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# **Insights on Human Trafficking for Sexual Exploitation**

**German and Tunisian Case Studies**

by

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## Content

ABSTRACT.....	1
1. Introduction.....	2
2. Definitions.....	3
3. Research Aim.....	5
4. Methodology.....	5
5. Case I: Germany.....	10
5.1 Legislation.....	10
5.1.1 International.....	10
5.1.2 Regional.....	10
5.1.3 National.....	12
5.1.3.1 Criminal Code and Code of Criminal Procedure.....	12
5.1.3.2 Migration Law.....	13
5.1.3.3 Prostitution.....	14
5.2 Policies.....	16
5.2.1 EU Strategy on Combating Trafficking in Human Beings (2021 - 2025).....	16
5.2.2 National Action Plan (NAP) Germany.....	19
6. Case II: Tunisia.....	21
6.1 Legislation.....	21
6.1.1 International and Regional.....	22
6.1.2 National.....	22
6.1.2.1 Prostitution Law.....	24
6.1.2.2 Migration Law.....	25
6.1.2.3 Labor Law.....	26
6.2 Trafficking in Tunisia.....	27
6.2.1 National Strategy and Profiles of Victims.....	27
6.2.2 Prevention, Protection, Prosecution and Partnership (4Ps).....	28

6.2.2.1 Prevention.....	28
6.2.2.2 Protection.....	29
6.2.2.3 Prosecution.....	31
6.2.2.4 Partnership.....	32
7. Findings.....	34
7.1 Germany.....	34
7.1.1 Lack of reliable data.....	34
7.1.2 Gaps of the German prostitution law.....	35
7.1.3 Reflection period after Directive 2004/81/EC.....	36
7.1.4 Residence permits for third country national victims.....	37
7.1.5 Demand creates the market.....	38
7.1.6 The lack of Economic, Social and Cultural Rights as Reason for Human Trafficking...40	
7.2 Tunisia.....	42
7.2.1 Multi-purpose trafficking.....	42
7.2.2 Lack of resources provided to victims outside of the big cities.....	43
7.2.3 Long process for victims.....	43
7.3 Joint Findings.....	44
7.3.1 Lack of Education and Training.....	44
7.3.2 Legislative Delays and Gaps.....	47
7.3.3 Lack of investigation and prosecution.....	47
7.3.4 Lack of cooperation and coordination nationally and internationally.....	48
8. Conclusion.....	49
Acknowledgements.....	52
Annex.....	60
Annex I: Interviews with NGOs in Germany.....	60
Annex II: Interviews for the Tunisian case study.....	83
Annex III: Interview Guide.....	95

## **ABSTRACT**

Human trafficking constitutes a flagrant breach of human rights. Human trafficking for sexual exploitation is a national and transnational issue that affects people everywhere around the world and can happen to anyone, especially to more socio-economically disadvantaged and vulnerable groups in the Global South. Besides the obviously violated Civil and Political Rights; Economic, Social, and Cultural Rights also play a major role when it comes to human trafficking.

This research seeks to provide insights on the issue of human trafficking for sexual exploitation to show what the current approaches are lacking to solve the problem and to target it effectively.

An inductive mixture of desktop research and data collection through interviews is used. An analysis of legislations, policy documents, and reports was conducted to compare them to what is being done by relevant actors in the field at present. For this purpose, Germany and Tunisia are used as case studies. The research uses a human rights-based approach.

The analysis of the case studies focuses on findings that are not yet addressed with effective strategies by the institutions in place. The themes of these findings include legislation and judicial deficits, an enabling environment for human trafficking, effective targeting of human trafficking, reliable data, and multi-purpose trafficking.

**Keywords:** Human Trafficking, Sexual Exploitation, Human Rights, Germany, Tunisia

## 1. Introduction

Human trafficking in its different forms has always been an issue. Today it affects 27.6 million victims around the world from different ages (children included), ethnicities, socio-economic backgrounds, and nationalities (U.S. State Department, n.d.). Human trafficking for sexual exploitation is the most common form of human trafficking, with over 40% of affected victims in Europe in 2022 (Eurostat, 2024). The United Nations Office on Drugs and Crime (UNODC) published its report on trafficking in human beings 2022 and shows that mainly women and girls are affected by the crime and account for 91% of the victims (UNODC, 2023, p. 33). Furthermore there is an increasing number of victims from Sub-Saharan Africa<sup>1</sup> that are being trafficked especially outside of their region of origin (UNOD, 2023, p. VIII, 43).

However, human trafficking for sexual exploitation as a transnational phenomenon still gets little research and attention.

The issue deeply violates several Civil and Political Rights (CPR) as stated in the International Covenant on Civil and Political Rights (ICCPR) from 1966 such as, among others, the right to life (Art. 6), the right to liberty and security (Art. 9), the right not to be subjected to slavery, servitude, forced labor or bonded labor (Art. 7), the right not to be subjected to torture or cruel, inhumane, degrading treatment (Art. 8) and the freedom of movement (Art. 12).

Moreover, it also violates Economic, Social, and Cultural Rights (ESCR). Those rights “provide protection for the dignity, freedom and well-being of individuals” (Ahmed/Bulmer, 2017, p. 3) through education, healthcare, social welfare, etc. (Ahmed/Bulmer, 2017, p. 3). Various of these rights are violated during various steps of the trafficking process but partly already before, as it will be shown throughout the report.

Other international and regional treaties address human trafficking. Art. 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) sets out the legal obligation of all parties to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution in women.

General Recommendation No. 38 by the Committee on the Elimination of Discrimination against Women emphasizes a strong gender-dimension and sees the root causes of human

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<sup>1</sup> People from Sub-Saharan Africa will be referred to as Sub-Saharan Africans and Sub-Saharans throughout the report. Sub-Saharan Africa refers to countries that are geographically located below North Africa (as defined above).

trafficking in sex-based discrimination (CEDAW, 2020, p .2) But also, the the Istanbul Convention mentions sexual violence and sets out to target it on the European level.

The following report sets out to provide insights on the issue of human trafficking for sexual exploitation by studying the cases of Germany and Tunisia. Firstly, some key concepts will be defined, then there will be an explanatory part on the research aim as well as the methodology. This is followed by the two case studies and the conducted findings, which will lead to the conclusion of this report.

## **2. Definitions**

To better understand this report, below key concepts are defined.

**Human Trafficking or Trafficking in Human Beings** was first defined in 2000 by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol). Art. 3 refers to the three elements of the crime, which are the action, the means and the purpose (UNODC 2018, p. 1). By definition of the Trafficking in Persons Protocol, the actions are the recruitment, transportation, transfer, harboring or receipt of persons; the means are the description in what way this action has been achieved; and the purpose describes the exploitation of another person (UNODC 2018, p. 1). If any of the means described by the definition are used, the consent of the victim is to be seen as irrelevant as well as no means are necessary, if a minor is exploited (UNODC 2018, p. 1 - 2).

Even if the definition seems to be clear at first sight, the United Nations Office on Drugs and Crime (UNODC) published an issue paper on several parts of the definition, since country surveys have shown that there are severe inconsistencies in the application of the definition (UNODC 2018, p. 2f.). Human Trafficking can take place domestically and internationally (UNODC, n.d-a).

**Sexual exploitation** is considered to be the attempt or the actual abuse of someone's position of vulnerability to obtain sexual favors, including, but not limited to offering money or other social, economic or political advantages (UNHCR, n.d). The report is going to focus on human trafficking for sexual exploitation, while it may touch upon legislation and other material regarding prostitution or sex work. It was decided to refrain from defining both

terms due to the extensive political and ethical dimension behind defining them, which is not the focus of this report.

According to the European Commission, **migration** describes the movement of a person across an international border, or within a state for more than one year. The causes and means are irrespective and could be voluntary or involuntary, as well as regular or irregular (European Commission, n.d.-b).

**Migrant smuggling** on the other hand, always involves a crossing of borders. It means assisting migrants to enter or stay in a country of which the person is not a national or a permanent resident. It is defined in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Nations Convention Against Transnational Organized Crime. The United Nations Convention against Transnational Organized Crime's Art. 3 states that smuggling is the financial or material benefit gained by helping people to illegally enter a country. According to international law, governments are required to criminalize migrant smuggling. Those who are smuggled are not to be criminalized (UNODC, n.d.-a).

Both terms, *human trafficking* and *migrant smuggling*, are different in their meaning and requirements. In this report, these terms are not used interchangeably.

It needs to be mentioned that some migrants might start their journey agreeing to being smuggled into a country illegally, but along the way end up as victims of human trafficking. Often criminals function as smugglers and traffickers at the same time and use the same routes as well as the same form of transportation for both crimes (UNODC, n.d.-b).

**Modern Slavery** is not defined by law, but there is an operating definition used by the International Labour Organization (ILO) in its report *Global Estimate on Modern Slavery*. Therein modern slavery is used as an umbrella term to describe commonalities between different concepts. The two main parts of modern slavery are forced labor and forced marriage whereas sexual exploitation is considered as a part of forced labor (ILO 2022, p. 13).

**The 4Ps** are the core aspects on which human trafficking strategies are built on. It stands for **Prevention, Protection, Persecution, and Partnership** (The National Authority to Combat Trafficking in Persons, 2021).

### **3. Research Aim**

This report aims to provide another perspective on human trafficking for sexual exploitation through analyzing various material from both Germany and Tunisia as well as relevant international and regional legislation, policy documents, and reports. It emphasizes the gender-dimension of the issue by highlighting the sexual exploitation of women and girls as well as an ethnic-dimension with a focus on people being trafficked from the African continent as an increasing number of African victims are identified.

### **4. Methodology**

Methods in human rights rarely function in a vacuum (McConnell/Smith, 2018, p. 150). To address the research question fully and to add credibility to the findings (McConnell/Smith, 2018, p. 160), we decided to adopt a mixed approach. This contains desktop research as well as the conducting of semi-structured interviews<sup>2</sup> for the collection of qualitative data to add a better understanding of the desktop research (Smith/Smith, 2018, p. 70) that is more up to date. Looking at the process of the data collection, it is inevitable that the research is inductive (Smith/Smith, 2018, p. 71), since we did not start the process with a hypothesis but rather let the material dictate the outcomes of our analysis.

Besides conducting the interviews, legislation, policy documents as well as the most recent reports found online were analyzed.

The countries chosen are Germany and Tunisia. We started by looking at laws and legislations, since it builds the legal framework a country operates in and builds the basis to target human rights violations, as well as action plans, trafficking profiles and finally, initiatives taken by governments, NGOs, and other stakeholders in Germany and Tunisia.

Even though prostitution is legal under certain circumstances in Germany and Tunisia, there is still human trafficking for sexual exploitation happening in both countries. The countries have protective laws, yet they still seem to lack something to target the problem efficiently.

For the Tunisian context, it is relevant to look at it as a country that has relatively recently started to tackle human trafficking, nationally and internationally. The context is also changing with waves of migration from Sub-Saharan Africa and an increasing number of

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<sup>2</sup> Interview Guide is available in the appendix of this report



victims. As a country that has worked on its 4Ps strategy, Tunisia has benefited from international experiences all while adding its touch to tackling the problem.

Germany has a lot of NGOs working on the problem. With current increasing migration flows and people crossing the Mediterranean Sea, more and more people from Africa enter Europe. NGOs in Germany have reported an increase in African trafficking victims. It seems that the countries of origin in Germany are changing. Therefore, it is important to look at the changing phenomenon of trafficking between Germany and the African Continent.

Within this report, a human rights based approach is used. The human rights based approach should firstly advance the realization of human rights by deepening the understanding of them (Smith, 2018, p. 8-9). To understand human rights, the facets of their violations must be addressed. In this analysis, one facet of serious human rights violations is shown, as mentioned in the introduction. There are various norms and conventions that state the seriousness of these violations, which are analyzed and explained specifically in the case studies for each country. In addition, this report contributes to a deeper understanding of human trafficking for sexual exploitation as a transnational phenomenon.

Furthermore the research should ideally contribute to capacity building of both duty bearers and rights holders and thereby, for example, create an impact on policies (Smith, 2018, p. 8-11). The following report will conduct findings out of the material. These findings can be used to further specify policies, legislation as well as strategies for NGOs in their work to better understand and target the problem of human trafficking for sexual exploitation.

Moreover, the research should respect the principles and standards of human rights. This means to do no harm, free and prior consent as well as confidentiality and anonymising of participants if needed (Smith, 2018, p.8, 9). The principle of doing no harm has been taken into account while selecting participants for the interviews. It was decided not to interview victims of human trafficking for sexual exploitation first hand since an interview situation particularly regarding what they have lived through might cause re-traumatization.

The testimonies of victims were not essential since we decided to interview NGOs working with victims of human trafficking for sexual exploitation, who can function as a secondary source to add information about the victims and their experiences.

We constructed a theoretical and empirical foundation to build the research upon (Brounéus, 2011, p. 132), by studying secondary sources and designing the interview questions after those.

The NGOs interviewed for Germany are all working with victims of human trafficking and are networking with other organizations and authorities. Some of them also work politically, yet they were not chosen by any bias. For Germany, 29 interviews were requested with:

- National authorities
- NGOs
- Law enforcement
- International organizations

Eight interviews were conducted. All of them are with NGOs. The interviews are presented by D1 to D8 and can be found in the appendix of this report.

For Tunisia, 40 interviews were requested with:

- NGOs (local and international)
- National governmental institutions
- Members of Parliament (current and former)
- International organizations (UN Agencies)
- Lawyers
- Activists
- University professors

Five interviews were conducted with two NGOs, two former members of parliaments, and one with an International Organization for Migration (IOM) expert. In addition, reports were sent from the National Authority to Combat Trafficking in Person in Tunisia in an email instead of an interview. Further, while some people chose not to be interviewed, they sent material (articles) on the subject, provided contacts, and offered their opinions on the topic. The interviews are presented from T1 to T5.

The interviewees would receive a consent form before the interview was conducted. It was available in English, German, French, and Arabic. The consent form entailed that the interview would be recorded, that the recordings were only to be accessed by the two authors

of this report, Nourjahan Jemaa and Saskia Ullius, that the information could be anonymised and that the material will be destroyed after the finalization of the report.

All interviews were recorded with prior consent of the interviewees.

The legislation and policy documents analyzed were selected by relevance. In case I: Germany, the legislation on international level is mentioned, but so is the European Union legislation, since Germany has to comply by its ratifications. Further, national legislation, such as the law on prostitution, the criminal code and a relevant part of the migration law are analyzed.

Policies that were considered relevant are the EU Strategy on Combating Trafficking in Human Beings (2021-2025) as well as the plans and drafts for the German National Action Plan.

The last report of GRETA for Germany was left out due to the fact that it was from 2019 and also had a specific focus. GRETA 2019 could be replaced with a more up to date and holistic perspective through the interviews conducted with the NGOs. The fourth report made on the progress in the fight against trafficking in human beings from 2022 from the European Commission, did not entail enough country specific information on Germany and therefore has been considered to not be of higher relevance as well.

For Tunisia, the material analyzed included the first official report on human trafficking, conducted by IOM, in coordination with several national institutions, NGOs, and other relevant actors in 2013. In addition to this, the latest report of the National Authority to Combat Trafficking in Person in Tunisia, which was provided by the authority itself in an email and interviewee T5.

Further, other UN articles were used to talk about the 4Ps. Moreover, the U.S. Department of State Report on Trafficking in Persons was used because it was the most up to date (from 2023), available in English, ensuring accessibility; and is considered an official report on trafficking by the UN. Lastly, policy documents and laws were analyzed through the interviews and based on personal accounts.

Limitations have to be taken into account when conducting research. For this report, there are a variety of limitations. Firstly, the applicability of findings need to be considered. It is difficult to design general recommendations out of the findings, as every country is individual

and has different needs as well as every NGO or authority. Therefore, we decided to refrain from formulating recommendations and keep our findings as the statement of this report.

Another limitation is the possible gaps in testimonies or interviews. The interviewees talked about the traumatization of victims, so it might be that even though they work closely with them, they do not have the full picture of the victims' stories and therefore, cannot report everything that happened when it comes to the victims' personal experiences.

Moreover, the interviews were not conducted in English but the local languages. The translation was made by the writers of this report and there is always the risk of losing something in translation. The authors of this report are not expert translators.

Further, there is a lack of participation on the behalf of the German governmental authorities as well as the criminal prosecution. The same thing happened with the interview requests with two Tunisian judicial officials. Interviews have been requested for both countries, but no answer was received. Therefore, their perspective can only be taken into account through desktop research and the interviews.

Another limitation is the fact that this research was not funded. Even though this helps to prevent biases or an external agenda, it limits the scope of the research. It was, therefore, not possible to travel to the countries of case studies and interview the people in person. The interviews have been mostly conducted via zoom or telephone, which also causes that body language cannot be read as adequately as during an in-person interview. There were also technical difficulties with the online interviews.

## **5. Case I: Germany**

For Germany, this report focuses on various materials, such as legislation, policies and interviews. It is important to also take into account the EU perspective when talking about Germany and human trafficking since it is a transnational concept and Germany has to oblige to EU law. The focus is mainly on the contemporary material, except when it comes to legislation. An extensive explanation of the history of human trafficking for Germany would be beyond the scope of this report.

Exploitation can happen everywhere as it is reported by several interviewees. According to the United Nations Office on Drugs and Crimes' global report on trafficking in persons from 2022, the places of exploitation are the street, legal brothels, unofficial brothels, night/strip clubs, bars, sauna parlor/massage centers, hotels, apartments that are supplied by traffickers, the clients' private homes, the digital space, and also escort agencies. (UNODC, 2023, p. V)

### **5.1 Legislation**

Legislation is one of the most important tools when it comes to human rights and their violations. In the following section, insights on international, regional, and national legislation are provided. On the regional level, directives are in the focus of the analysis. On the national level, the topics of criminal law, migration law and prostitution law are assessed closer.

#### **5.1.1 International**

In 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, also known as the Palermo Protocol, was adopted by General Assembly resolution 55/25. It was ratified by Germany in 2006 (UN, 2024) and therefore, Germany has to comply with it.

#### **5.1.2 Regional**

Directive 2011/36/EU forms the main legislative instrument at the European Union level. It established minimum rules on the definitions of criminal offenses and on sanctions, as well as common provisions to strengthen victims' protection, assistance and support, prevention and

identified key actors to fight against the crime<sup>3</sup> (European Commission, *Legal and policy framework* n.d.-a). In 2022, the European Commission presented a proposal to revise the Directive because the law needs to be adapted to the new circumstances, living conditions and the specific changes in relation to human trafficking, as more than 10 years have passed since it came into force (European Commission, 2022-a).

The amendment targets the harmonization of the legislation among EU Member States and therefore addresses newer types of exploitation, such as forced marriage and illegal adoption, offenses committed or facilitated through information and communication technologies, including the internet and social media (European Commission, 2022-a). It also targets mandatory sanctions for legal persons to be held accountable for trafficking offenses, as well as formal national referral mechanisms which shall help to work towards a European referral mechanism (European Commission, 2022-a). Another objective of the amendment is coming up with further steps towards demand reduction, by making it a criminal offense for people who knowingly use services provided by victims of trafficking, as well as an EU-wide annual data collection on trafficking in human beings (European Commission, 2022-a).

Especially in terms of the data collection, the amendment is making concrete propositions. According to the proposal, these follow items, at least, should be included:

- the number of **registered victims** by registering organization, sex, age group (child/adult), citizenship and form of exploitation,
- the number of **suspects** by sex, age group (child/adult), citizenship and form of exploitation,
- the number of **persecuted persons** by sex, age group (child/adult), citizenship, form of exploitation and nature of the final decision to prosecute,
- the number of **prosecution decisions**,
- the number of **persons convicted** by sex, age group (child/adult) and citizenship,
- the number of **court judgements** (second instance, final court etc.),
- the number of **prosecuted and convicted persons who knowingly use services provided by victims of trafficking** by sex and age group (child/adult).

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<sup>3</sup> after the 4Ps, as described above

It also proposes an annual transmission of data to the Commission (European Commission, 2022-b, p. 22). The proposal is up for review by the European Parliament and the Council and has not been adopted yet (European Commission, 2022-a).

Another directive to be mentioned is Directive 2004/81/EC, which grants resident permits to third country<sup>4</sup> victims of crimes related to human trafficking even if they entered the country irregularly (Art. 3 I Directive 2004/81/EC). Art. 6 I Directive 2004/81/EC states that EU Member States should grant third country nationals a reflection period during which the victims shall have time “to recover and escape the influence of the perpetrators of the offenses so that they can take an informed decision as to whether to cooperate with the competent authorities” (Official Journal of the European Union, 2004, L 261/21).

### **5.1.3 National**

#### **5.1.3.1 Criminal Code and Code of Criminal Procedure**

The German Criminal Code/ *Strafgesetzbuch* (StGB) entails several relevant norms on crimes related to human trafficking such as:

- Human Trafficking (§232 StGB),
- Forced Prostitution (§232a StGB) which also includes the criminal liability of persons who carry out sexual acts on victims of human trafficking in return for payment,
- Exploitation by taking advantage of a deprivation of liberty (§233a StGB),
- Exploitation of Prostitutes (§180a StGB), and
- Pimping (§181a StGB).

The criminal law dimension of the problem is well addressed, in theory, by current criminal law legislation and in compliance with the legislation of the European Union.

The Code of Criminal Procedure/ *Strafprozessordnung* (StPO) states by §395 StPO that victims can appear as joint plaintiffs in criminal proceedings for human trafficking, which is putting them in a double role of victim and witness. There are various other regulations in the StPO, such as the examination of the need for protection of the persons concerned in accordance with §48 StPO. This also includes the possibility of video questioning, separate questioning and the exclusion of the public from the proceedings (KOK, n.d.-c).

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<sup>4</sup> In this report, “third country” is used to talk about residents or nationals from non-EU countries.

Furthermore, comprehensive information and disclosure rights apply to those affected. However, the StPO also regulates the obligations of witnesses. These include the duty to appear and the duty to testify truthfully (KOK, n.d.-c).

The testimony can only be refused under certain conditions. For example, so-called persons subject to professional secrecy, such as lawyers, doctors or psychological psychotherapists, can refuse to testify in the exercise of their profession in accordance with §53 StPO and also professional assistants, such as interpreters for consultations with lawyers in accordance with §53a StPO. It is problematic that employees of specialist counseling centers for victims of human trafficking do not have such a right to refuse to testify and may therefore have to testify in court. This must be communicated to the victims at the beginning and can affect the relationship of trust (KOK, n.d.-c).

If a trafficked person is accused of having committed criminal acts themselves, e.g. violations of the Residence Act, the public prosecutor's office can refrain from prosecuting an offense committed by the trafficked person themselves in accordance with §154c II StPO. The prerequisite for this is that the offense only becomes known when the person concerned reports the trafficking in human beings and the decision is at the discretion of the public prosecutor's office (KOK, n.d.-c).

### **5.1.3.2 Migration Law**

The above mentioned Art. 6 I Directive 2004/81/EC from the European Union level is implemented in the Migration Law, further the *Aufenthaltsgesetz* (AufenthG). §59 VII AufenthG is granting a minimum of three months for the reflection period. It is situated within the paragraphs of deferment of deportation.

In general, the granting of a residence permit essentially depends on the participation and cooperation of the person concerned in criminal proceedings against the traffickers. §§25 IV a, b AufenthG both create a possibility of the right of residence, but the victim must be willing to testify and the testimony must be necessary. However, these residence permits are only valid for the duration of the criminal proceedings. As various interviewees report (D2, D3, D4, D5, D6, D7), often the testimony of the victims is not sufficient enough for the



public prosecutor's office. So, it is difficult to prove the necessity of the person to the criminal procedure (KOK, 2023-c).

An alternative to the above-mentioned procedures is the regular asylum procedure. The Federal Office for Migration and Refugees (BAMF) is responsible for examining asylum applications in Germany. §3 I AsylG can be relevant here. According to this, refugee status is recognized if the person belongs to a certain social group and is at risk of persecution. Membership of a particular social group has already been recognized by case law for victims of human trafficking who are at a potential risk of re-victimization upon return and the state cannot offer them protection (KOK, n.d.-a).

Another relevant paragraph is §4 AsylG<sup>5</sup> which grants subsidiary protection. Persons entitled to subsidiary protection are those who are at risk of serious harm in their country of origin. This includes the death penalty, torture, inhumane or degrading treatment, punishment or a serious individual threat to the life or integrity of a civilian as a result of indiscriminate violence in the context of an international or internal armed conflict (KOK, n.d.-a).

If none of the above is granted by the BAMF, it is possible to obtain a ban on deportation by §60 V, VII AufenthG. Return to the country of origin may not be carried out if this constitutes a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) or if there is a significant concrete danger to life, liberty or freedom in the country of origin (KOK, 2023-c).

### **5.1.3.3 Prostitution**

For the broader context, it is essential to understand Germany's prostitution law. It is a rather liberal model with regulations by law. Prostitution has been legal and not considered immoral in Germany since 2002 when the *Prostitutionsgesetz* (ProstG) was implemented. This law only contains three paragraphs. It defines the legal relationship between sexual acts and compensation in §1 and also ensured that prostitutes are entitled to social benefits in §3 II. The legislators saw the problems of prostitutes and wanted to improve their position and working conditions with the ProstG. Not that of the customers, brothel operators and others (Deutscher Bundestag, 2001).

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<sup>5</sup> *Asylgesetz*

Not until 15 years later, in 2017, another law was implemented, the *Prostituiertenschutzgesetz* (ProstSchG), which further clarified the legal framework and is far more comprehensive than the ProstG.

The legislators realized that the ideas regarding the improvement of the working conditions from 2002 could only partly be achieved. Furthermore, it recognizes that prostitution is an area of potential particular risk to fundamental and human rights (Deutscher Bundestag, 2016). In its' Drucksache 18/8556, the German Bundestag also acknowledges the lack of binding minimum requirements for the protection of safety and health, as well as the lack of official supervisory instruments. This should be targeted with the ProstSchG, which should better protect prostitutes and their right to self-determination. It should also provide a legal basis to ensure acceptable working conditions and to protect the health of those working in prostitution and combat crime in prostitution such as human trafficking, violence against prostitutes, exploitation of prostitutes, and pimping (Deutscher Bundestag, 2016, Drucksache 18/8556).

The ProstSchG entails, among others, the obligation to obtain a working permit with minimum legal requirements, the duty to personal registration of the activity (including a personal information and consultation meeting), annual health consultation at the public health department (must be proven), as well as the obligation to use condoms.

There are also comprehensive requirements for the operators of prostitution establishments, such as an operating license (Deutscher Bundestag, 2016, Drucksache 18/8556). §25 I ProstSchG stipulates that operators of prostitution establishments may not employ certain persons if it is apparent to them that:

- the person is under 18 years of age,
- the person is under 21 years of age and is being induced by third parties to take up or continue prostitution,
- the person is in a forced situation and their helplessness is being exploited,
- or if the person does not have a valid registration certificate.

In addition, §§29 f. ProstSchG regulates the monitoring of prostitution establishments.

§38 ProstSchG also prescribes the evaluation of the ProstSchG. This is to begin on July 1, 2022 and the report is to be submitted to the German Bundestag by July 1, 2025 at the latest.

The report on the evaluation of the ProstSchG has not been submitted while the analysis of the material for this report was concluded.

## **5.2 Policies**

Policies are an important tool when it comes to shaping the landscape of tackling human rights violations. In the following section the EU Strategy on Combating Trafficking in Human Beings (2021- 2025) as well as the propositions for a German National Action Plan are analyzed.

### **5.2.1 EU Strategy on Combating Trafficking in Human Beings (2021 - 2025)**

In 2021, the EU adopted the new Strategy on Combating Trafficking in Human Beings, following the EU strategy towards the Eradication of Trafficking in Human Beings 2012–2016 from 2012. The new action plan claims to propose “concrete actions, which will be developed in full respect of fundamental rights, to identify and stop trafficking early on, to go after criminals [...] and to protect victims and help them rebuild their lives” (European Commission, 2021, p. 2). It highlights that human trafficking is a complex phenomenon which needs a comprehensive response.

As key tools, it outlines legislation and policies (European Commission, 2021, p. 3 - 4). It figured out that, despite prevention measures undertaken, the demand of using exploited victims services has not been reduced and decided to evaluate and revise Directive 2011/36/EU (as mentioned above) (European Commission, 2021, p. 4).

Furthermore, transnational referral mechanisms shall be strengthened and “a set of actions to further improve the policy and operational work” shall be funded (European Commission, 2021, p. 5). This includes, among others, the promotion of awareness-raising as well as research and data-analysis by supporting the cooperation between national bodies, like data institutes and observatories (European Commission, 2021, p. 5).

The strategy further sets out that countries of origin and transit need to be taken into consideration for a comprehensive approach. Funding shall be mobilized for specific attention to the gender dimension, donor coordination, local ownership, support to civil society organizations and local actors and activists as well as addressing the special

vulnerability of children (European Commission, 2021, p. 5). In regards to the cooperation on data with non-EU countries, whether countries of origin or transit, the strategy does not mention concrete actions.

Within the key objective to reduce the demand that fosters trafficking, it is recognized that demand is what drives the activity of organized crime groups and it is stated that reducing the demand is essential to target the crime (European Commission, 2021, p. 6). It also refers to Directive 211/36/EU and its invitation to EU Member States to consider criminalizing the knowing use of services by exploited (and trafficked) people - what Germany did with §232a StGB.

Yet, it is obvious that there is a diverse legal approach towards this within the EU. The number of victims indicates a worsening situation, which calls for a more homogenous response for reducing demand (European Commission, 2021, p. 6). According to the strategy, to reduce the demand, awareness raising campaigns are essential to detect and prevent the crime. These campaigns should be conducted in cooperation with relevant civil society organizations in the form of “a communication campaign, together with member States and civil society, targeting high risk-sectors and high-risk environments” (European Commission, 2021, p. 6 - 7).

When talking about high risk-sectors and -environments, the strategy is referring to prostitution, escort services, massage parlors, bars and nightclubs (European Commission, 2021, p. 6). Yet, when looking at the interviews conducted for this report (D1, D3, D4), especially the “hidden prostitution”, in Airbnbs or private apartments, is a problem in Germany since the ProstSchG gives a broad protection for official and registered places. Therefore, only targeting the “high risk” sectors, as mentioned in the strategy, does not seem to be a suitable plan for Germany. The ProstSchG already has mechanisms to detect human trafficking.

A more comprehensive approach with a campaign including the general public (with advertisements and information campaigns) would seem as a better solution for raising awareness and reducing the demand. The question also arises if the demand can be reduced when buying sex is legal, as it is in Germany. The question is, if sex buyers have an awareness for the “sustainability” or “ethical correctness” of their purchase. In regards to

Germany, it could be beneficial to launch a study or data collection on sex buyers' ethical thinking to assess the awareness already existing (or not).

Besides this, the strategy also focuses on targeting the criminal model of trafficking and exploitation, which entails, among others, capacity building for “a robust criminal justice response” (European Commission, 2021, p. 10). Therefore the Commission will focus on funding capacity building measures for law enforcement in cross-border and transnational cooperation as well as the creation of a focus group of specialized prosecutors against trafficking in human beings. The latter had their first meeting in 2022 (Eurojust, 2022).

In regards to protecting and supporting victims, the gender perspective is stressed. Trafficking for sexual exploitation is a form of gender-based violence, rooted in gender inequalities and therefore mainly affects women and girls (European Commission, 2021, p. 12).

The strategy highlights the importance of an early identification of the victims for assisting and supporting them based on their needs. Yet, it also realizes that this remains a challenge since their needs are often not taken into account properly (European Commission, 2021, p. 13 - 14).

Victims who are non-EU-citizens are also taken into consideration; especially that the reflection period is mentioned and the inconsistency in the application of it in regards to granting residence permits. Furthermore, the option remains that a residence permit is only granted if the victim cooperates in the criminal proceedings (European Commission, 2021, p. 15). Moreover, the risk of re-trafficking when being transferred back to the countries of arrival in the EU is not paid enough attention to so far. All this should be assessed in regards to Directive 2011/36/EU and if the Directive is fit for these purposes (European Commission, 2021, p. 15).

The Commission will, among other things, enhance the cooperation towards a European referral mechanism (European Commission, 2021, p. 16). Furthermore, it will ensure funding in non-EU partner countries to NGOs, in particular migrant resource centers for supporting victims. It will also enhance the partnerships with non-EU countries to ensure that victims' rights are guaranteed during the return process, from the beginning to the end, and that they

receive specific and needs-based assistance and protection (European Commission, 2021, p. 16).

The Commission further invites member states to enable funding “for community led and peer-mentoring empowerment programmes” (European Commission, 2021, p. 17). There is no further information provided on how to do this in a trauma-sensitive approach.

The last point of the strategy is focusing on the international dimension of trafficking, where it mainly focuses on stepping up cooperations with countries of origin and transit. This shall also include international and regional partners as well as international organizations (European Commission, 2021, p. 17f.). Yet, this part of the strategy seems very shallow. There is no outline on how this is to be realized and what partners or NGOs should be cooperated with. What should grow out of these corporations is also not mentioned.

The strategy seems like a starting point or rather a proposal for a strategy. Overall, it fails to convince due to its shallowness. The Commission evaluated that the preventive measures taken were not enough (European Commission, 2021, p. 4), yet it failed to critically analyze what went wrong and how to further use preventive measures as a tool to combat human trafficking.

### **5.2.2 National Action Plan (NAP) Germany**

A national action plan has not been developed while analyzing the material for this report, but it is part of the coalition agreement of the current government (Bundesregierung, 2023, p. 1). With a *Diskussionspapier: Inhaltliche Ausgestaltung des Nationalen Aktionsplans der Bundesregierung zur Bekämpfung des Menschenhandels*, the government is naming important stakeholders for the process of developing a NAP and setting out guidelines as a basis for the joint development process.

These guidelines include that the NAP should be in compliance with international and EU requirements. It should further contain clear responsibilities and deadlines and have monitoring for the evaluation and implementation of the NAP. Moreover, structures on a federal level shall be strengthened and the NAP shall cover a time frame of four years (Bundesregierung, 2023, p. 1). All this shall be achieved by dividing the actions into the four

fields of the 4Ps; prevention, protection, prosecution and partnership (Bundesregierung, 2023, p. 1).

Included in the process should be the GRETA reports as well as other European Committees and input by civil society. Moreover, the EU Strategy on Combating Trafficking in Human Beings and the EU Strategy to Tackle Organized Crime as well as the results of the revision of Directive 2011/36/EU and the first report by the *Berichterstattungsstelle zu Menschenhandel* shall be taken into account (Bundesregierung, 2023, p. 2).

Stakeholders could submit their proposals until October 29, 2023, to the *Bundesministerium für Familie, Senioren, Frauen und Jugend* (BMFSFJ) via e-mail (BMFSFJ, 2023).

At the same time, the *Bundesministerium für Arbeit und Soziales* (BMAS) is supposed to work on an action plan against labor exploitation and forced labor. Both NAPs should complement each other (BMFSFJ, 2023). The NAP by the BMAS shall focus on changing the economic, social, and legal framework conditions that have so far contributed to an increased risk of labor exploitation by preventive measures (BMAS, 2023), whereas the NAP by the BMFSFJ shall rather focus on victim protection and criminal prosecution (BMFSFJ, 2023). Regarding the NAP by the BMAS no participation process is known, but in a press release, it states that the NAP should be adopted in spring 2025 (BMAS, 2023).

## **6. Case II: Tunisia**

To understand human trafficking in Tunisia, it is important to talk about the current waves of migration happening in the country and the vulnerability of Sub-Saharan Africans, who are considered the prime targets of trafficking (as will be shown below).

Tunisia, after the 2011 Revolution, has been suffering from socio-economic problems and received thousands of migrants (regular and irregular), who came either to escape conflict in their countries or to go to Europe, especially from North Africa and Sub-Saharan Africa (IOM, *Tunisia Overview*, n.d.-a).

Current President Kais Saïd declared in a speech in February 2023 that irregular migrants from Sub-Saharan Africa constitute a security threat to Tunisia because they are connected to criminal networks, and claimed that they are here to change Tunisia's demography. Later in July 2023, the president also stated that the government will not accept anyone who comes irregularly to transit and will not become a settlement area for people coming from African states (Human Rights Watch, 2023). There are no official numbers of how many irregular migrants currently reside in the country as people can be smuggled in, trafficked, or come as tourists and overstay their visa or their allowed period of stay.

According to interviewee T5 who works at the IOM office in Tunis, Tunisia was identified as a country of origin as well as transition and destination for victims of human trafficking for sexual exploitation. Due to its location and distance to European shores, Tunisia serves as a significant hub for Sub-Saharan Africans seeking to go to Europe and hosting not only irregular migrants but also human trafficking victims "especially women destined to be trafficked into forced prostitution" (IOM, 2013, p. 62).

### **6.1 Legislation**

The following examines international conventions and national legislation that affect human trafficking victims in Tunisia. On the national level, the legislation analyzed is about prostitution, migration and labor.



### **6.1.1 International and Regional**

Tunisia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, also known as the Palermo Protocol, in 2003 (UN, 2024).

Tunisia also signed on the Arab Charter of Human Rights 2004 but has not ratified it (Akram, 2007). The 2004 Arab Charter does not elaborate on human trafficking, but Art. 9 forbids organs and medical trafficking and Art. 10 forbids slavery in all of its forms as well as human trafficking.

Tunisia also signed The Arab League Model Law to Combat the Crime of Trafficking in Persons (2012) (IOM, 2013). The Arab League Model Law to Combat the Crime of Trafficking in Persons follows in the footsteps of Palermo Protocol.

While not a piece of legislation, but on the African level, Tunisia is part of African Union-Horn of Africa Initiative on Human Trafficking and Migrant Smuggling (AU HoAI), which works on preventing human trafficking and smuggling, providing assistance and protection to victims, and improving prosecution and border control (IOM, n.d.-b).

### **6.1.2 National**

When it comes to legislation on trafficking on the national level, according to the U.S. Department of State's report on Trafficking in Persons Report in Tunisia (2023):

“Tunisia’s anti-trafficking law, Organic Law 2016-61, enacted in July 2016, criminalized sex trafficking and labor trafficking and prescribed penalties of 10 years’ imprisonment and a fine of 50,000 Tunisian dinars (TND) (USD 16,160) for offenses involving adult victims and 15 years’ imprisonment and a fine of TND 50,000-100,000 (USD 16,160- USD 32,320) for those involving child victims.” (U.S. State Department, 2023)

Law 2016-61 is the most important piece of legislation to date to fight human trafficking and differentiate between trafficking and smuggling in Tunisia. The law not only addresses penalties for traffickers but also clarifies the government’s commitment to the 4Ps and is described as having “comprehensive measures” (UNDP, 2018, p. 2) against trafficking and

was inspired from the Palermo Protocol (UNDP, 2018, p. 21). Interviewee T5 also stated that the law was checked by the Council of Europe and IOM (the steering committee) to ensure it meets international standards and conventions.

The law provides simplified and internationally recognized definitions, including but not limited to trafficking, slavery practices, sexual exploitation, and victimization (UNDP, 2018, p. 21). It also emphasizes the establishment of a national authority that would focus its work on the prevention of trafficking, to develop guidelines for assistance and protection of victims, and to serve as a liaison between all the different sectors to coordinate efforts (UNDP, 2018, p. 21). A crucial point in the law is that victims and survivors have access to free healthcare, social assistance, legal aid, and compensation (UNDP, 2018, p. 22).

Interviewee T2, Rabha Ben Hassine, is a former member of the Tunisian Parliament (MP) and was part of the Rights, Freedoms, and Foreign Relations Committee in the parliament. She worked on the writing and editing of the law and stated that MPs kept in mind a certain philosophy while writing the law. This philosophy puts human beings as the center of the law. The former MP said that it was important to see people be treated as people, not as goods and not as production machines and the law had to show the state's commitment to respecting human rights, human dignity, and human spirit, regardless of their status in the country. She added that despite the lack of resources to fully implement the law, it is important for the law to exist and mention all of the different aspects of human trafficking because people can use this to move forward and make a change.

Interviewee T3, Nozha Nozha Beyaoui, who was in the parliament during the same mandate as T2, said that Law 61 is what she would refer to personally as a 3D law because it has three dimensions to it: protection and assistance, definitions, and punishments. Legislators made sure not to stop at punishments. Law 61 also focuses on women and children as they are the most exploited (T3). It also emphasizes on the definitions of the lexis used to avoid misunderstandings and misinterpretations (T3).

The law also looks at trafficking from the beginning until till the end from coercion and threatening to transportation (T3). Prostitutes are also protected under this law in a sense that they cannot be forced to do any sexual acts without consent (T3). The law also protects

women from forced marriages and forced pregnancies, among other things, and children from being exploited economically, through sex or begging (T3).

### **6.1.2.1 Prostitution Law**

Prostitution is legal and regulated by the law decree of 1942. The decree states that sex workers have to work in a licensed brothel in specific areas designated by the law and cannot leave the premises physically outside of work hours or during work hours without permission from the Ministry of Interior Affairs (UNDP, 2018, p. 21). It is a crime to partake in prostitution if outside the conditions stated in law decree 1942.

However, prostitutes who wish to stop working have to show that they will be able to work in an “honest” job<sup>6</sup> and get permission from the police, which makes it hard for them to leave (UNDP, 2018, p. 21). If a prostitute makes it out and gets a job, it would be very hard to keep it, due to the stigmatization if her boss finds out about her previous job, and it would be almost impossible for her to get help from her family (El Feki, 2019).

In addition to legal brothels, informal sex work does take place even though illegal, in private homes and on the streets. Sex workers who are not registered, including trafficked victims or people in a situation of exploitation, can be jailed for up to two years, if tried (El Feki, 2019).

During an interview with a person (T1) who works closely with the Tunisian Refugee Council (CTR), the interviewee stated that they rarely come across human trafficking for sexual exploitation cases when treating asylum requests. However, when they come across these victims, the interviewee stated Tunisian nationals are not usually sex buyers. It could be that this is done among the victim’s community (Sub-Saharan countries) but not among Tunisians (T1). The interviewee (T1) did note that victims will experience forced prostitution through their migration journey before reaching Tunisia, for example in Libya especially, it is more common, or maybe in their home countries or transit countries.

According to an interviewee (T4) who works at an NGO that supports LGBTQIA+ migrants, refugees, and asylum seekers, there are some Tunisians who take advantage of Sub-Saharan

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<sup>6</sup> The word used in Arabic could also mean “noble” in this context. No definition was provided for an “honest” job.

sex workers and prostitutes because they know how vulnerable their situation is, in addition to smugglers, traffickers, and other fellow migrants. The interviewee (T4) also stated for fear of persecution and deportation, victims cannot go to the police.

### **6.1.2.2 Migration Law**

Since most trafficked victims come from migration flows, it is important to understand the migration context first.

Tunisian authorities do not usually understand the difference between migrant, irregular migrant, refugee, asylum seeker, trafficked person, etc. and do not distinguish between them when they come across them, according to the interviewee who works closely with the CTR (T1). As will be explained below, the situation of migrants in Tunisia is vulnerable and it is very difficult for them to get a legal residence permit.

Tunisia does not have an elaborate strategy on migration, except for a program coordinated with the International Organization of Migration for irregular migrants to return home voluntarily (Jaballah, 2023). Migration Law of 1968 in Tunisia, applicable to everyone except diplomats and active consulars, states that anyone entering the Tunisian territory must have a valid passport or travel document that would allow its holder to go back to their country (DCAF, n.d.).

Foreigners who come to work can receive a residence permit for one year, which can be extended for more than a year, if permitted by the Ministry of Foreign Affairs, according to Law 1968 (DCAF, n.d.). However, based on personal accounts, this permit is almost impossible to get due to the slow bureaucratic process. In addition, if they come from visa free countries and are allowed to stay for 90 days, they have to leave the country every 90 days if they choose not to apply for it or do not meet the requirements to get it.

For Sub-Saharan Africans, this process is especially tedious and discriminatory, which might lead them to being forced to choose to be in an irregular situation and become smuggled or trafficked. Former residents and neighbors, based on personal accounts, reported that they received the card within months and up to a year after leaving Tunisia.

Art. 13 of the migration law 1968 states that foreigners who wish to receive the regular permit of residence of two years, have to:

- be born in Tunisia and live there without traveling outside of it,
- have lived in Tunisia legally for five years without traveling outside,
- have Tunisian children,
- have done an exemplary service to Tunisia;
- or be foreign women who are married to Tunisian men.

This residence can also be revoked if any of these conditions change and its holders have to leave the country immediately (DCAF, n.d.). This also puts people in a vulnerable position and creates a power dynamic.

Art. 21 and 22 of the law state that renters have to inform the authorities if they are renting a room, a hotel room, or a housing space to any foreigner within 48 hours (DCAF, n.d.). This makes migrants, especially women, at risk of being exploited for sex to find rent.

Tunisia also sees migration from a security perspective only, instead of a more comprehensive and legal perspective which directly violates international conventions on refugees and Tunisia's own laws (Jaballah, 2023). The government has yet to address migration challenges effectively especially with the increasing rate of migration from sub-Saharan Africa (Jaballah, 2023). In addition, when these migrants manage to make it to Europe from Tunisia, some of them are returned to Tunisia where there is no way for them to be integrated (Jaballah, 2023), besides getting a resident permit.

### **6.1.2.3 Labor Law**

According to Tunisian Investment Authority (n.d.), the Tunisian Labor Code allows companies, for three years of operations, to have 30% of its workforce as foreigners; however, the percentage decreases to 10% when the company reaches its fourth year. In addition, the government can also grant a company up to four foreign workers if they are absolutely needed for its development (Tunisian Investment Authority, n.d.). This could create a vulnerability for workers and can lead to being smuggled or trafficked due to a lack of work opportunities.

## **6.2 Trafficking in Tunisia**

Trafficking, as a form of modern slavery (as defined above), has always existed in the world. In Tunisia, slavery was abolished in 1846 and the last slave market closed four years prior to that by the *Bey* (governor of a province, part of the Ottoman Empire), who himself was born to a slave, but until today, Tunisia still serves as an important point in the route of transporting modern slaves or human trafficking victims (IOM, 2013).

Tunisia's concern with human trafficking increased after the 2011 Revolution, as more migrants came into the country and more and more people started to notice how they were badly treated (T2). Before 2011, there were human trafficking victims that were promised to work in Tunisia but ended up being forced into prostitution from Egypt, East and West Africa, and Ukraine (IOM, 2013).

Human trafficking for sexual exploitation affects foreign and Tunisian nationals, especially children and women. The Tunisian government stated that human trafficking for sexual exploitation targeting children, online or through online recruitment, increased during the COVID-19 pandemic, and sometimes, the traffickers were family members (U.S. State Department, 2023). There is also an increase of exploiting foreign nationals, especially from West Africa, in Tunisia (U.S. State Department, 2023) as they try to cross the Mediterranean to reach the EU.

### **6.2.1 National Strategy and Profiles of Victims**

Tunisia has a national strategy to fight against human trafficking for the period 2018-2023, and is currently working on a new strategy (U.S. State Department, 2023); which as of March 2024, has not been published. The national strategy is published by the National Authority to Combat Trafficking in Persons, which is the leading governmental authority working to fight all forms of trafficking and was created by Law 2016-61<sup>7</sup> on anti-trafficking to work on creating a national strategy to combat against human trafficking, establishing coordinated mechanisms to identify victims, assisting and supporting victims, and trying traffickers (Council of Europe, n.d.-a).

The 2013 Baseline Study on Human Trafficking in Tunisia was conducted by the IOM and in coordination with a large steering committee, which included several Tunisian ministries,

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<sup>7</sup> The law is both referred to as Law 2016-61 or Law 61.

authorities, international organizations, INGOs, NGOs, etc. This study showed that it was mostly girls and women that are the prime victims of human trafficking, according to interviewee T5.

Generally, Tunisian girls are trafficked for forced domestic labor, forced small shop labor, and sexual exploitation and Tunisian women are generally trafficked for sexual exploitation and to a lesser extent, forced labor in agriculture. Children living in and facing homelessness are also a vulnerable group that is at risk of being trafficked for sexual exploitation (IOM, 2013, p.79) and used for child sex tourism in Tunisia (U.S. State Department, 2023).

However, according to interviewee T5, the profile of the trafficked victim has changed after the study of 2013. Right now, it is mostly Sub-Saharan African women who are recruited for forced domestic labor and Sub-Saharan men who are forced to work in agriculture. According to the interviewee, recently, there has also been more sexual exploitation, especially through their migration journey to Tunisia. Profiles, towards the end of 2023 and beginning of 2024, are changing once again.

It is also important to mention that patterns of trafficking are changing. According to T5, during the COVID-19 pandemic, the IOM noticed that trafficking victims were used for online sexual exploitation, including but not limited to the production and distribution of pornographic material in which human trafficking victims appear.

## **6.2.2 Prevention, Protection, Prosecution and Partnership (4Ps)**

Tunisia's effort in combating human trafficking will be analyzed through the core 4Ps.

### **6.2.2.1 Prevention**

The government operates a hotline for the purpose of reporting trafficking cases, in three languages (Arabic, French, and English) during business days and hours. It received 1,414 phone calls in 2022, which led to zero investigations or identifications of victims (U.S. State Department, 2023). In 2021, the National Authority to Combat Trafficking in Persons received 1,5050 calls; 87.5% of which came from foreign women (The National Authority to Combat Trafficking in Persons, 2021, p. 56).

The National Authority to Combat Trafficking in Persons also published an elaborate document in simplified Arabic and French, called the ‘Passport of the Rights of Trafficking Victims’, that contains information on red flags to look for in people who approach victims as potential traffickers, care provided for victims, and finally legal, police, and judicial aid (Council of Europe, n.d.-b). The document also contains a list of numbers, addresses, and hotlines of all governmental institutions, agencies, and hospitals, and national and international NGOs available for victims (Council of Europe, n.d.-b). However, this document is only accessible to those who are literate in Arabic or French.

There is also still an insufficient understanding of the issue of trafficking in general among governmental officials (U.S. State Department, 2023). Between 2011 and 2012, the IOM was involved in training different governmental actors, including ministry and border officials and up until 2013, there were no awareness campaigns launched in the country about human trafficking in any form (IOM, 2013). According to interviewee T5, the IOM continues to conduct training sessions on human trafficking.

It was not until 2016, that Tunisia, in coordination with the IOM, launched its first anti-trafficking campaign, titled “Not For Sale”, consisting of five short movies that covered different forms of trafficking (IOM, 2016).

The IOM and the national authority have also worked on developing a guideline book available on the IOM’s website, according to interviewee T5. They are currently developing a second guideline book (T5)

#### **6.2.2.2 Protection**

When it comes to providing assistance to identified victims, not much is being done, especially outside big cities (U.S. State Department, 2023).

In 2023, NGOs stated that there is a lack of shelter spaces for trafficking victims and a lack of resources (human and capital) to reintegrate the victims into society. Foreign nationals, even though they are protected from forced deportation, are offered to be repatriated to their home countries, where they might face retaliations (U.S. State Department, 2023).



Victims are also encouraged to testify in court, while being in a witness protection program, against traffickers and to bring their traffickers to court for free and can ask for compensation from traffickers and the government (U.S. State Department, 2023). However, there are no known cases as of 2022 where the government reported protection from forced deportation or compensation for victims after a legal battle against traffickers. In 2021, 12.7% of protection seekers were exempt from paying a fine for overstaying the legally allowed period (The National Authority to Combat Trafficking in Persons, 2021, p. 57).

Law 61 also lists out the protection and assistance measures provided for the victim. According to interviewee T5, there is a period of reflection and recovery, during which the victim can take the time to heal from what happened to them and decide on what to do next. This period can be renewed once and The National Authority to Combat Trafficking in Persons works with the victims (T5).

There is also a voluntary return program for the victim to go home if they choose to do so in cooperation with the IOM (T5). If the victim is in danger of being trafficked again or might face retaliation, this is taken into account as well (T5). There are several mechanisms to protect the victims, according to interviewee T5.

The IOM has continued to work with the Ministry of Justice, among other ministries, since Law 61 has been enacted and even before then. Between August 2016 and February 2017, there were training sessions on capacity building and providing assistance to victims (T5).

In 2021, there were 952 cases of protection requests ranging from cash assistance (25.5%), medical and psychological help (15.4%), reintegration in country of origin (14.9%), to voluntary return assistance (13.3%) (The National Authority to Combat Trafficking in Persons, 2021, p. 57). There is also an increasing number of victims being taken care of in shelters, with their care being funded by the government (The National Authority to Combat Trafficking in Persons, 2021, p. 58-60). This care includes social, medical, and psychological care. Children are placed in children shelters to receive similar care as well as have access to activities like sports, cultural events, job training, etc. (The National Authority to Combat Trafficking in Persons, 2021, p. 61). According to this report, several other mechanisms were also put in place for COVID-19 and for children especially, in coordination with INGOs and NGOs.

### **6.2.2.3 Prosecution**

When it comes to prosecution, the Tunisian Ministry of Interior Affairs has closely cooperated with Interpol to dismantle trafficking networks between Tunisia, the Middle East and West Africa (IOM, 2013).

In 2019, a network of survivors of trafficking was created to serve as consultants “to share experience, advise, and present recommendations” (U.S. State Department, 2023) assisting the National Authority to Combat Trafficking in Persons, which was not operational until after the pandemic and the authority has continued to work with to date (U.S. State Department, 2023).

One of the recommendations of the U.S. State Department (2023) is to “develop procedures, especially for law enforcement, judicial, and border officials, to ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked, such as for “prostitution” or migration violations” since victims can be prosecuted for prostitution. In addition, the Tunisian government often charged migrant smugglers with anti-trafficking offenses so data regarding trafficking might overlap with migrant smuggling (U.S. State Department, 2023).

While data for 2023 is not yet available as of January 2024, in 2022, the Ministry of Interior Affairs had 226 investigations of trafficking, including 24 for sex trafficking and in addition, eight cases of illegal pornography production with trafficking victims were investigated. In comparison, in 2021, there were 332 investigations, 27 of them being sex trafficking cases. In 2020, there were 180 cases (U.S. State Department, 2023).

In 2022, the National Authority to Combat Trafficking in Persons, with the help of an NGO, started prosecuting 25 claimed sex traffickers, continued with 382 previously initiated prosecutions, and convicted 55 sex traffickers (in comparison to eight in 2021) (U.S. State Department, 2023). It is worth mentioning that the number of human trafficking suspects reached 450 in cases concluded as of February 1, 2022; 83.6% of whom were Tunisians (The National Authority to Combat Trafficking in Persons, 2021, p. 81).

Further, the Ministry of Justice appointed a judge at every first instance court to look into human trafficking cases with a specialized unit for victims, made up of judicial police and national guards, specializing in cybercrimes and providing aid trafficking gender based violence victims (U.S. State Department, 2023).

NGOs also reported there is a lack of knowledge on the 2016-61 anti-trafficking law which made judicial officials use other laws to convict traffickers with a lower and less stringent sentence (U.S. State Department, 2023).

All interviewees agreed that more training and education is needed. Some interviewees (T2, T3) said this might be limited due to the availability of funds and resources.

#### **6.2.2.4 Partnership**

Only the National Authority to Combat Trafficking in Person and the Ministry of Interior Affairs' special victims unit are allowed to confirm if the victims are victims of trafficking or not, making identification a very slow process and receiving care services an even harder one for victims (U.S. State Department, 2023). The authority can receive notices from other callers, NGOs, ministries, etc.

There are five rooms in five shelters spread across the country, mostly in big cities, reserved for trafficking and violence victims and only one public hospital in Tunis, the capital city, is equipped to provide care for sex trafficking victims (psycho-social assistance, medical documentation, and legal aid) (U.S. State Department, 2023). However, the government did not report if the hospital unit has managed to provide any care services. The shelters also work in coordination with the national authority.

According to the 2021 annual report by the National Authority to Combat Trafficking in Person (2021), more conventions were signed with national and international organizations and actors and governmental and non-governmental entities to ensure cooperation and coordination. Furthermore, the national authority worked on attending several international and regional conferences to build capacities and exchange expertise on human trafficking (p 87-94). The national authority worked also with actors to bring attention to human trafficking

as a violation to human and children rights (The National Authority to Combat Trafficking in Persons, 2021, p. 93-94).

All NGO and INGO interviewees stated that they have several partnerships working on human trafficking and are able to guide victims to the right place. However, they also think that more partnerships are needed and more training needs to be received. Interviewee T4 stated that their NGO lacks training on human trafficking and this is something they would love to work more on as they would want to be a safe space for all migrants.

Interviewee T5 stated that more capacity building for NGOs is needed, especially outside of big cities. NGOs, depending on funding and resources, have to work on creating partnerships with international actors (T5).

Former MP (T3), Nozha Beyaoui, stated that everyone has to work together, especially with civil society. Education is also primordial to fixing the issue as children need to grow up and be aware of the problem (T3). Civil society and the government have to work together (T3).

Former MP (T2), Rabha Ben Hassine, said that human trafficking is a transnational issue that requires transnational cooperation and sharing of responsibilities. Countries in the Mediterranean region need to work together to address it effectively (T2).

## 7. Findings

In the following section, findings will be provided. The findings are based on the analysis of material that was conducted, namely the interviews and the legislation, policy documents, and reports.

### 7.1 Germany

#### 7.1.1 Lack of reliable data

Art. 19 and 20 of Directive 2011/36/EU lay out that EU Member States are required to gather and report on statistics regarding human trafficking. Eurostat is responsible to gather this information by the member states and publish them as they are reported. This is a joint work by the national rapporteurs and/or equivalent mechanisms for reporting statistics on trafficking in human beings and Eurostat as the representation of the European Commission (Eurostat, 2024).

According to Eurostat, the total number of victims of human trafficking for sexual exploitation in the EU, in 2022, was 10,093 and with that 41.1% higher than in 2021 (Eurostat, 2024). The majority of victims remain women and girls. Even if this is the statistics asked for by Directive 2011/36/EU, one must look at it with caution. The numbers reported are not all-encompassing. A lot of data relies on the information provided by official authorities, namely the police (Eurostat, 2024). In the case of Germany, the data is provided by the *Bundeskriminalamt* (BKA) (BKA, 2023). Yet looking at the statistics of the BKA and statistics by other entities, such as the reports on the data analysis tool used by the KOK<sup>8</sup>, an NGO, there remains a discrepancy in numbers, suggesting that the actual number is significantly higher than the statistics that the BKA show.

This indicates that a lot of cases that have been registered by the counseling centers have not come into contact with law enforcement authorities. There is also a big discrepancy in countries of origin. For example, the BKA shows that only 6.1% of the victims have an African nationality (BKA 2023, p. 9), whereas the KOK shows over 50% of victims have an African nationality (KOK, 2023-b, p. 9).

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<sup>8</sup> Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.

Only since 2022 has Germany started to implement a Human Trafficking Reporting Unit that is supposed to create broad and reliable data on the topic of human trafficking. KOK wanted to create a more concise picture and has set up a data collecting tool, whose first report was published in 2020 (KOK, n.d.-b). This was two years before the official reporting unit was even established.

At the European level, it remains important to develop a common data collecting tool which is able to show data as accurately as possible. NGO data is not taken into account accordingly so far. It is not enough to rely exclusively on statistics by the police. This would only do justice to human trafficking as a crime but not as a human rights violation as it is called in Directive 2011/36/EU.

Moreover, the mere registration of victims is not sufficient. It must also be established whether they left their country of origin voluntarily and for what reasons. This is a major gap in the EU Strategy on Combating Trafficking in Human Beings (2021-2025), the proposals for data collection miss out on that part. Standards for the collection of data are needed for a better analysis of the situation.

The data on women who are registered under the ProstSchG is also lacking. At the end of 2022, there were 28,280 registered prostitutes working in Germany. At the end of 2019, before the COVID-19 pandemic, the number was 40,370 (Statistisches Bundesamt, 2023). However, there is no reliable number on how many sex workers (registered and unregistered) there are in total. There was an estimate made by politicians and the church of 200,000 to 400,000, but an online erotic portal published that they estimate 88,800. That would mean that 2 out of 3 sex workers are not registered (Schlünz, 2023) and therefore, lack the protective rights of the ProstSchG. Interviewee D2 also criticized the lack of official numbers and statistics.

### **7.1.2 Gaps of the German prostitution law**

Even though some interviewees described the ProstSchG as an effective way to target trafficking, there were other interviewees who were of the opinion that a lot of businesses have a pseudo-official character. Interviewee D5 describes a method where all the official operations of a brothel are managed by a businessman. Yet, she mentions that the new supply

(women) must come from somewhere and this often happens through connections with organized crime groups (D5; Farley et al., 2022, p. 27f.).

Other gaps of the ProstSchG are, for example, the mandatory use of condoms. This is almost impossible to control. According to interviewee D5, the sex buyers often do not want to use a condom and the women cannot do anything against it. The creation of a security concept is also a good idea, but the question remains as to how it can be evaluated if women really can access and benefit from these concepts (D5). In general, the interviewees said that the ProstSchG is a nice idea, but needs to be developed further. One of the interviewees said that it is too easy to misuse the official system (D6). The ProstSchG is up for evaluation. It remains to be seen what results the evaluation will bring.

### **7.1.3 Reflection period after Directive 2004/81/EC**

Even though the German law is granting a reflection period for third country residents that are victims to crimes connected to human trafficking in §59 VII AufenthG, there is another norm, §72 VI AufenthG, which states that the migration authority has to involve the competent law enforcement authority and notify them.

This means that, in practice, victims of human trafficking might be in contact with the criminal prosecution authority while they are actually still in the reflection period. If the criminal prosecution authorities become aware of a criminal offense, they must initiate an investigation *ex officio* and it is not the victim's decision anymore (KOK, 2023-a). This is contradictory to the intention of Art. 6 I Directive 2004/81/EC, which is to give the victims time to recover and to make informed decisions. They should have time to rest and to get medical and psychological help after what they have been through as well as be in a surrounding that helps to stabilize them. They have been through serious traumatization, suffered from human rights violations, and had little to no self-determination. The reflection period is meant to give the victims back a bit of that self-determination. Yet, again, they find themselves in another situation of pressure with little to no personal scope for action.

Another problem is that §72 VI AufenthG is contradictory to EU law.

Art. 9 Directive 2011/36/EU states that offenses in regard to human trafficking should be prosecuted *ex officio*. Which is exactly what the criminal prosecution authorities would be

doing/have to do, when getting contacted by the migration authority. On the other hand, Art. 11 Directive 2011/36/EU says that member states shall take the necessary measures to ensure that assistance and support for a victim is not dependent on their cooperation in the investigations, prosecution or trial. Assistance and support means to give them the option to recover from the exertions experienced. But, to obtain the reflection period or to hold it up, the migration authorities and police might need a witness testimony by the victim at a certain point. The victim might be put in the position to give this statement while still being in the reflection period.

This is against the intention of the reflection period and might only be averted by a slowly working criminal prosecution authority.

One interviewee also mentioned that the reflection period is unknown to some authorities and that there are a lot of misconceptions about it. She said that the reflection period was not used once in the past 5 years, since it is difficult to obtain (D1). Another interviewee, on the other hand, described that their migration authority is granting it regularly and even for more than the 3 months described by law (D7).

#### **7.1.4 Residence permits for third country national victims**

In Germany, there is the option to obtain a residence permit if someone is a victim to a crime connected to human trafficking. The granting of a residence permit by §§25 IV a, b AufenthG depends on the participation of the victim in the criminal proceeding. The victims must testify and that testimony must be considered as necessary and indispensable for the criminal case.

If granted, those resident permits are only valid for the duration of the criminal proceeding. Various interviewees stated that it is difficult for the victims to obtain a residence permit. They described that the victims' testimonies are often considered as incomplete or too fragmentary. Discrepancies in the testimonies are considered as something to make the victims untrustworthy. Considering the traumatization they have been through, it seems reasonable that testimonies are not comprehensive or filled with gaps (D5). Yet, because of that the testimonies cannot be considered in the criminal prosecution process. A lot of victims are afraid and therefore do not want to go through the criminal proceedings (D1).



If there is no criminal proceeding or the victim is considered to be dispensable for the criminal proceeding, the only option to obtain a residence permit is to apply for asylum. (D3), because being a suspected victim is not enough for a residence permit (D6, D8). It is then necessary to work with evidence that shows that the victims would be exposed to massive violence if they returned to their country of origin. For example, FGM or other gender-based violence (D6, D7).

However, there is no residence permit for victims of human trafficking independent of criminal proceedings.

### **7.1.5 Demand creates the market**

While talking to the interviewees, one thing stood out exceptionally. Independently if they were in favor of or against legal prostitution, a lot of them said that the demand creates the market (D1, D3, D5, D6). Just as the data on victims of prostitution in general is not reliable, so is the data on the demand for sexual services. This side of the system was greatly neglected and not many studies have been conducted that explain why the demand is that high (see above, the estimates of 200,000 - 400,000/88,800 prostitutes).

Yet, there are some studies and projects that give an insight on the demand, such as the sex buyer study by Melissa Farley et al. from 2022<sup>9</sup>, which shows how men see women in prostitution and that they know about the precarious situations the women are in. But also, the project, “The Invisible Men”<sup>10</sup>, which has collected data from several German online fora, where sex buyers share their experiences, also gives insights on the demand. Both show a disturbing side where men use rough language to describe sexual acts, or even show signs that they knew coercion was taking place. Additionally, sex without condoms and women who look (are) extremely young, are both praised and fetishized.

As Farley is referring to other studies and has also conducted studies herself, the reason is not the lack of sexual partners that men pay for sex. In Germany, 56% of the sex buyers report having a wife or girlfriend (Farley et al., 2022, p. 21). The men in the study pay on average 55 prostitutes for sex during their lifetime (Farley et al., 2022, p. 22). Some of the men interviewed describe their feelings while buying sex. One says:

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<sup>9</sup> Farley et al. (2022) Men who pay for sex in Germany & what they teach us about the failure of legal prostitution: A 6 country-study of the sex trade from the perspective of the socially invisible ‘freiers’.

<sup>10</sup> <https://dieunsichtbarenmaenner.wordpress.com/>

*“It was special if someone [in prostitution] was strong and dominant looking, it was a turn on if I could get them to submit to me and do what I want. For example, if they say they don’t do anal sex and then I could get them to do it. It was like I was winning.” (Farley et al., 2022, p. 14)*

And another one says:

*“Prostitution only works because the men are dominant. The moment when the woman is disgusted and the man knows that the woman cannot escape, it excites him even more. The best example is the blowjob. The dominance between men and women is very strong when the woman kneels on the floor and is disgusted.” (Farley et al., 2022, p. 14)*

Another man describes prostitution as going into an Italian restaurant and being able to customize his pizza (Farley et al., 2022, p. 34). Sex buyers also described the women like empty vessels, “a hole to stick your penis into” (Farley et al., 2022, p. 36), which is consistent with the statements of interviewee D5, who said that women are seen like a "living rubber doll" (D5, Recording 1, Min. 29:40). In this study, Farley is referring to former research of hers but also other research which draws the impression that what men buy is doing anything they want (Farley et al., 2022, p. 40).

The reasons for buying sex might be individual, but the men asked for their participation are drawing a clear picture, as the interviewees did for this report. Interviewee D6 answers, as she was asked about why she thinks men buy sex, that they buy it to have power and control over women. They can have violent fantasies and since they paid, they think they can do whatever they want (D6).

Looking into what creates and fuels the demand for sexual services would be another study on its own, but it is important to mention when it comes to human trafficking, 55% of German sex buyers report to have seen signs of trafficking or pimping while pursuing their demand. The sex buyers even estimate that 62% of the women working in prostitution are trafficked, yet only 1% report it to authorities (Farley et al., 2022, p. 24). It becomes clear that voluntary or consciously entered prostitution and sexual exploitation cannot be distinguished clearly.

### **7.1.6 The lack of Economic, Social and Cultural Rights as Reason for Human Trafficking**

When asked what could be done to prevent human trafficking from happening, most of the interviewees stated that development aid would be an effective way.

Poverty must be targeted in the countries of origin (D6), women often receive little to no education, have no perspective (D4) and are often already affected, before being trafficked, by gender specific risks, such as circumcision, forced marriage or violence (D3).

One interviewee said that as long as the prevailing exploitation of other countries persists, there will be economic imbalances and people are forced to look for perspectives in other countries (D2). The problem should be tackled by the roots and help for self-help should be provided (D3). One of the biggest risks for women is the lack of opportunities in different areas of life (D6).

When analyzing the statements of the interviewees, it occurs that, besides the obviously compromised Civil and Political rights, the Economic, Social and Cultural rights also play a major role in trafficking. Rights concerned are, among others, the right to education (Art. 13 ICESCR), the right to an adequate standard of living (Art. 11 ICESCR), the right to work (Art. 6 ICESCR) but also the right to a fair wage (Art. 7 ICESCR) and the right to social security (Art. 9 ICESCR). The inadequate fulfillment of these rights seem to force people to migrate and to look elsewhere for better opportunities. As Interviewee D8 describes; the decision to leave a country often comes out of desperation and the hope for something better (D8).

There is an undeniable link between the implementation of Economic, Social and Cultural rights and human trafficking.

There should be a part of foreign policy devoted to targeting these issues, since it is obvious that human trafficking cannot be solved by internal politics only. Tunisian former MP (T2), Rabha Ben Hassine, stated that this issue cannot fall on Tunisia alone as several countries are involved. European countries, Tunisia, and other countries in the Mediterranean have to cooperate and work closely together (T2). This problem cannot be the responsibility of one country (T2).

The EU Strategy on Combating Trafficking in Human Beings mainly focuses on funding support for victims so that they receive specific and needs-based assistance and protection when returning into their home countries. Yet, these are only measures taken after the crime has already happened and women and girls have fallen victim to human trafficking. The factor of prevention remains untouched by the strategy and goals set by the Commission in its Action Plan. It is necessary for a sustainable action plan to look at reasons why women and girls are being trafficked. Most NGOs in the interviews see a lack of perspective in countries of origin as the main factor. So, investing in education and opportunities seems like a suitable approach. Unfortunately, it is not mentioned efficiently in the EU Strategy on Combating Trafficking in Human Beings (2021 - 2025). But within the strategy, a cross-referencing to the Joint Communication “towards a comprehensive idea with Africa” is made (European Commission, 2021, p. 17).

Taking into account the feedback of the interviewees regarding the question of what could prevent human trafficking, the Joint Communication “towards a comprehensive idea with Africa” seems like an answer to the question.

Interviewees mentioned that the economic imbalance is causing people to not have a perspective in their own country and that development aid, such as education, job training, job opportunities, strengthening of minorities as well as awareness raising, would be one of the best ways to tackle the problem at its roots (D2, D3, D4, D6, D7, D8).

The Joint Communication elaborates on these topics that can be seen as preventional measures, more than the EU Strategy itself. The EU Strategy tries to find ideas within Europe, where, often, the crime has already taken place. Instead, the Joint Communication tries to work on a strategy to develop Africa into an economically more attractive unit, which can lead to the decrease of human trafficking.

This means especially the commitments in regards to “III. Partners for sustainable growth and jobs”. The Communication states that 15 to 20 million people are entering the workforce every year (European Commission, 2020, p. 6) and that there is an estimate of 800 million African people entering the workforce within the next 30 years (European Commission, 2020, p. 4). Among others the Commission proposes to focus on education, skills, research, innovation, health and social rights, with a special attention to girls and women (European

Commission, 2020, p. 6). Another proposal is providing decent work opportunities (European Commission, 2020, p. 10).

Besides the other proposals, this seems to be one of the best ways to prevent trafficking - giving people a real alternative, so they do not have to rely on false promises for jobs and opportunities.

## **7.2 Tunisia**

### **7.2.1 Multi-purpose trafficking**

According to the interviewee who works at the IOM in Tunis (T5), there were approximately 5,600 cases of human trafficking in Tunisia between 2017 and 2023. These include sexual exploitation cases. Currently, most victims are Sub-Saharan and Tunisian women and children (T5). Tunisian children are mostly trafficked for economic purposes (begging) and sexual exploitation (T5). Tunisian women are mostly trafficked for sex, geographically internally and externally. Approximately 80% of these victims come from Cote d'Ivoire (T5). Victims of trafficking face sexual violence and assault throughout the trafficking journey (T1, T4, T5). They face sexual violence from traffickers, smugglers (if they originally started as smuggled migrants), and other people with them (T4).

Once in Tunisia, these victims are either taken to Europe or they stay mostly in forced labor conditions. Sub-Saharan African women work mostly in domestic work and men in agriculture (T2). However, according to testimonies received by interviewee T4, who works for an NGO that supports LGBTQIA+ migrants, refugees, and asylum seekers; forced labor victims face sexual violence (rape, molestation, assault, etc.) by the man/ father/ husband or by the son in the family they work for. They do not report these crimes committed against them because of fear of persecution from the police (T4). Testimonies were also received that Black migrants are often threatened with deportation if they report being assaulted by their bosses (T4).

Black migrants, especially refugees and asylum seekers as well as members of the LGBTQIA+ community, are also sometimes forced to prostitute themselves or by others who live with them because they receive very little money to live off of every month

(approximately 80 euros) (T4). This leads them to forced prostitution or sex work (T4). Those who are renting the space they live in might force the victims to perform sexual acts or might prostitute them to others. Again, victims are not able to file a complaint or run away because what they are committing is a crime (T4). If they go to the police station, they might be the ones who end up getting jailed instead (T4).

### **7.2.2 Lack of resources provided to victims outside of the big cities**

In Tunisia, there is a big centralization problem, where major hospitals, institutions, and even NGOs are usually located in the capital and some other services can be found in major coastal cities. If victims are found in any city or town outside of the major coastal towns, it would be difficult for them to access the assistance guaranteed to them by Law 61. Victims would have to take private transport to the capital since public transport is often not reliable and to navigate big cities to get the needed help.

Because most of the victims are foreign nationals, victims also have to go to their consulates and embassies, which are often located outside the areas that can be accessed by cheap public transport and victims, again, have to take private transport, such as taxis, which can be expensive for them and can refuse them service based on their skin color.

Some of the institutions that provide assistance are the UNHCR, the IOM, and the Tunisian Refugee Council (CTR). According to a source who works closely with the CTR in Tunis (T1), the capital city of Tunisia, transportation between the UNHCR and the CTR is really ineffective and both are inaccessible. The source reported that assistance seekers often have to go back and forth between the two agencies due to the lack of coordination sometimes. If the assistance seekers cannot afford paying for a taxi, they have to walk sometimes for over 2 hours in 30-40 degree weather (approximately 10 kilometers).

### **7.2.3 Long process for victims**

If the victims make it into Tunisia from Libya, according to interviewee T1, the process is long. There are assessment forms to be conducted, there are a lot of different criteria that need to be examined (T1). And after that, they can start receiving assistance, if they want to apply for asylum. Sometimes, according to the interviewee T1, they refuse services and assistance and counselors have to talk to them into getting help.

However, there is no integration procedure (T1, T4). Victims are often left in this in-between situation: they are not home, they cannot go back home, they are not in Europe, they cannot go to Europe (T1). In a way, it is like they are stuck in time and space and there is no way out (T1).

Interviewee T1 also said providing assistance is hard because victims have to deal with different levels of authority every day (T1). Authority officials often do not know the difference between asylum seeker, refugee, migrant, human trafficking victim, etc. (T1, T4). This causes the officials to deny the victims' of their human rights, due to their lack of knowledge (T1).

According to interviewee T4, some of the asylum seekers and refugees they work with are waiting for resettlement from the UNHCR, which only about 1% get access to. Those who do are the most vulnerable people, disabled, LGBTQA+, HIV carriers, minors, etc. (T4). The waiting time for resettlement is usually between 2 to 3 years after already spending time waiting for refugee and asylum statuses (T4).

This lengthy process of waiting on resettlement or receiving refugee status as well as the lack of financial resources, can lead them to being trafficked and forced prostitution (T4).

## **7.3 Joint Findings**

### **7.3.1 Lack of Education and Training**

All of the interviewees in Germany have reported that there is a lack of training regarding human trafficking. This not only contains the general knowledge on human trafficking, but also how to deal with traumatized people. According to interviewee D5, all victims of human trafficking suffer from PTSD<sup>11</sup>. The police are not well enough trained on the topic and the NGOs wish for more training. But, the authorities must also know more about human trafficking and its consequences (D4). The topic is often neglected (D1) and the police do not have enough resources (D5). A lot of the interviewees mentioned that statements by victims might entail gaps due to their trauma. A lot of police officers or even judges interpret this as

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<sup>11</sup> Post-Traumatic Stress Disorder

the victims being untrustworthy (D2, D5). There is no training in trauma-sensitive hearing or cultural sensitivity (D3).

Mostly, it is NGOs informing the authorities about human trafficking with their preventive or public/networking work. Interviewee D6 reports that the police specifically wish for more training and resources for the topic.

The EU Strategy on Combating Trafficking in Human Beings (2021 -2025) sets out to build capacity for a better criminal justice response to the crime and therefore set up a focus group of specialized prosecutors (as explained above).

This seems to be a good start, but the question remains as to how this knowledge is to reach the lower ranks and the people who are really working on the problem, such as patrol officers or the criminal investigation department. It seems useful to have an EU strategy on the training of law enforcement, to standardize it up to a certain point and make it a mandatory part of their training, as interviewee D6 suggested. In fact, investigations can be highly influenced by the knowledge and sensitivity of the officers regarding the topic. An early and comprehensive training could help to lead to higher quality investigations and therefore more guilty verdicts.

In Tunisia, the majority of victims are Sub-Saharan Africans at the moment as explained above. Victim units working for the government are not trained or educated on cultural dialogue and do not have an understanding of the situation of sub-Saharan Africans and are more likely to treat sub-Saharan victims as prostitutes or irregular migrants rather than as victims of trafficking (U.S. State Department, 2023). All Tunisian interviewees agreed that there is a lack of training on the topic on all different levels.

According to all of the interviewees, human trafficking for sexual exploitation is still a deeply misunderstood issue by different relevant actors who work and can come across victims without realizing it. According to the interviewed former MP, Rabha Ben Hassine (T2), Tunisia does not have enough resources to do continuous training on the topic. She said that while slavery was abolished in 1846 in Tunisia, there is still a lot to be done to educate people on its new forms because there is a lack of guidelines to prevent, assist, protect, and create partnerships to address trafficking. While she could not comment on why judges would try



victims as prostitutes, she did emphasize that Law 61 is clear on the definitions and penalties for traffickers, which are very severe. She said that these new laws that fight trafficking and domestic violence (Law 58) are new laws with a fresh perspective behind them and judges need to be trained on them; however, this is an expensive process.

When asked how they were educated on human trafficking for sexual exploitation, an interviewee (T1) who works closely with the Tunisian Refugee Council (CTR) stated that they are a good listener, which helps when trying to identify a victim of trafficking. However, they received no official training on identifying victims. They stated that there are assessment forms to be filled out, which are provided by the UN, and sometimes, from the answers, they can try to dig deeper and verify if the person is a victim or not. However, according to their observations, lately, victims have not been treated or seen as victims because of the wave of irregular migration that stirred public opinion away from facts. They added that a lot more training is needed at all of the different levels, from police officers to senior government officials.

By analyzing the material, it becomes obvious that the lack of training is a common problem for both countries and likely beyond. Comprehensive training could help target the problem more efficiently.

But not only training and education on the topic for authorities is lacking. Also the victims' education on the topic is insufficient. As interviewee D1 reports, the victims often do not have victim awareness. They do not know what the crime is and what it means to be a victim to human trafficking. The same was said by interviewee T2 from Tunisia.

It is therefore important to educate vulnerable groups in the countries of origin on the topic (D1, D4). Some interviewees described that in Nigeria there have been education campaigns on the topic in the bigger cities and that they could see that at least some women have heard of the crime. They have also seen that the market is changing from Nigeria to other countries (D2). This indicates that education campaigns can work and that Nigerian women do not fall for traffickers that often anymore due to more education on the topic.

### **7.3.2 Legislative Delays and Gaps**

When looking at the German legislation, there is a significant gap between the implementation of prostitution as legal and not immoral in 2002 and the law which aimed at creating better working environments in 2017. A 15 year gap in which the market around sexual services could develop and unfold without further regulations, since the ProstG only entailed three paragraphs. In 2021, the German broadcaster ZDF published a documentary on the entanglements of the Nigerian Mafia in Germany. One investigator said that the problem was not something he was aware of until recently (ZDF, 2021, Min. 12:58), yet the documentary shows that the wire-pullers behind the Nigerian Mafia started the business of human trafficking in the 90s already (ZDF, 2021, Min. 37:15f.). So, it seems that organized crime is well ahead of the German federal police.

In Tunisia, Law 2016-61 came 13 years after the Palermo Protocol. According to the interviewed former MP, Rabha Ben Hassine (T2), like any other phenomenon, human trafficking as an issue was not understood by people and was not thought of as an issue at all. She stated that just like the law on domestic violence against women (Law 58), it took a lot of effort for legislators to convince other members of parliament to see trafficking as an issue.

On the legislative timeline of trafficking, former MP (T2) said that Tunisians only saw trafficking as an issue after 2011. This was characterized by increasing waves of Sub-Saharan Africans entering the country and being forced to work for little to nothing and being abused as explained above. That was when international networks of trafficking and criminality came to light and Tunisians started asking about trafficking (T2).

This indicates that both countries lack the possibility of immediate legislative responses and action.

### **7.3.3 Lack of investigation and prosecution**

In Tunisia, even though a hotline set up to report trafficking was opened and almost 1,500 calls were received, there was no follow-up investigation into these cases. This could again be explained by the lack of awareness and understanding of trafficking as a problem or as a lack of resources. There is also no evidence of a specialized police unit that directly works on investigating crimes of trafficking.

While Law 61 exists with clear definitions, elaborate 4Ps planning, and heavy penalties, there is still a lack of prosecution for traffickers, who are often charged with smuggling rather than trafficking, which entails lesser punishments, according to the U.S. Department of State 2023 Report on Human Trafficking in Persons. Prosecution of victims does also happen, depending on the judge who might not be necessarily educated on the topic of trafficking and understand what it means for a victim to be a victim. This can also force victims to stay silent and not report their traffickers in fear of being prosecuted as criminals of prostitution and deported.

The interviewed NGOs in Germany also reported on the investigation and prosecution of cases. Interviewee D1 describes that there are rarely interrogations of victims. Another one reports that the prosecution has decreased significantly and traces this back to the fact that the victims usually have to provide very precise information (D2). Interviewee D7 describes the process as frustrating to watch since often only single people get sentenced but mostly there are organized crime groups operating in the background. (D7)

#### **7.3.4 Lack of cooperation and coordination nationally and internationally**

While the latest U.S. Department of State report for Tunisia noted a higher cooperation rate to solve the issue of trafficking, there is still insufficient coordination among the different agencies and relevant actors nationally and internationally. There are several actors involved in human trafficking: border control and customs agents, Ministry of Interior Affairs, Ministry of Foreign Affairs, the National Authority to Combat Trafficking in Persons, IOM, UNHCR, special human trafficking for sexual exploitation units in hospitals, just to name a few. It can be hard to coordinate when there are many institutions nationally and it is even harder when this is a problem that affects several countries; and even more actors then need to be involved.

According to the former MP (T2), better coordination is needed among the relevant actors. She also stated that all countries need to acknowledge and treat trafficking as a problem that affects all Mediterranean countries equally and that Tunisia alone cannot solve the issue on its own.

For Germany, all the NGOs could report on corporations at least on a national level, if not on a European level, or sometimes even above that. Yet, the cooperation across borders seems

to be challenging when it comes to authorities, as Interviewee D8 describes. For him, NGOs can be seen as the oil in the engine. There are many good networks at the NGO level, but on the level of authorities, there are not (D8).

Interviewee D8 said that Libya has to be taken into planning. In his opinion, the EU has a socio-political responsibility there since the majority of migrants come to Europe through Libya (D8). Furthermore, a legal system at transnational level would be important to target the crime effectively (D8).

Interviewee T1 also stated that Libya has to be looked into as they received several testimonies on how Sub-Saharanans are being trafficked there. The human trafficking journey often does not begin in Tunisia, but farther down south, in sub-Saharan African countries (T1). Victims have to first survive from crossing from their countries to other countries and often through Libya, which is highly dangerous, as they might not make it alive out of there (T1).

If they do, they are often in very bad shapes, from torture, rape, forced labor, etc. (T1). Survivors stated that there is a slave market operating in Libya (T1, T4). The interviewee T1 stated that the survivors that they had worked with at the CTR, reported tragic events there.

Interviewee T4 stated that deportations of Black migrants from Tunisia to Libya has not stopped since July 2023. Witnesses the interviewee worked with reported that border control guards received money from Libyan militias as Black migrants were being handed to them (T4). Witnesses do not know what happened next in Libya, but everyone knows there is an active slave market in Libya (T4). Interviewee T4 said that this is a form of trafficking, but it is not clear to them if the government is involved or not. However, they think that these migrants might be sent to Libya to be trafficked and sold (T4).

## **8. Conclusion**

The research aim of this report was to provide another perspective on human trafficking for sexual exploitation by looking at two countries, Germany and Tunisia. There is a focus on the African continent, especially Sub-Saharan African countries, due to continuously rising numbers of victims from there specifically. The analysis entailed various materials to draw a

broad picture of what the countries are doing to tackle the numerous human rights violations caused by human trafficking.

As the analysis shows, for both Germany and Tunisia, there are laws and strategies by the government and other supranational entities that are put in place, working on the prevention, protection, prosecution, and partnership (4Ps) of human trafficking. There are also several actors involved and engaged on working on the issue, from structured non-governmental organizations to activists and independent human rights' defenders. As shown in the interviews for both countries, several stakeholders are concerned with the problem and trying to compensate for what is lacking from governmental institutions.

However, according to the findings of this report, a lot still needs to be done to bridge the gap between the existing legislations, conventions, and strategies; and the situations of human trafficking victims as human rights' subjects.

It is important to look at human trafficking locally and act on it globally. While the issue often starts on the local level, it is quite often that it transcends borders. Countries and world governments cannot work on this issue alone and neither can NGOs or other relevant actors. More partnerships and coordination are needed to address the issue, nationally, regionally, and internationally. With current policy documents and legislations, this is not taken into account sufficiently.

In addition, it is also important to look at the root causes of human trafficking to better understand the issue to be able to prevent it. Victims often come from poorer backgrounds with fewer economic, educational, and social chances to climb up the socio-economic ladder. According to our interviews, one way to solve this is through development aid. It is important to recognize the importance of Economic, Social, and Cultural Rights and the role they play in people's lives when applied adequately or inadequately.

Further, assisting victims is a complicated process, as it entails several layers of barriers, including but not limited to, language, culture, religion, race, trauma, etc. It is vital to develop guidelines and strategies on assisting human trafficking victims and ensure that the various actors involved are well-trained on these multiple layers as they can make a significant

difference in the victims' reintegration. Currently, sufficient strategies to implement training are not provided adequately to the various actors.

Finally, it is important to ensure a fair and just legal system that treats victims as victims, understands the complexities of human trafficking, and prosecutes traffickers. Targeting organized criminal groups has to be taken into account as well. The legal system needs to actively work with the relevant actors on the field to ensure a no harm policy for the victims and to lead by example in deterring traffickers.

While this report looked at two different countries on two different continents, it showed that some problems are the same. The countries deal with similar issues despite their different geographical, socio-economic and cultural context. This enabled the report to have a more inclusive perspective on human trafficking for sexual exploitation and to contribute to a better understanding as well as a better tackling of the human rights violations coming with the phenomenon of human trafficking.

To conclude, former Tunisian MP (T2), Rabha Ben Hassine, stated that when dealing with human rights violations, it is crucial to put humans as the center and focal point of policy documents and legislations. She added that laws that seek to protect human rights have to look at human beings, regardless of their status in the country and backgrounds. They are subjects of human rights and their universal applicability has to be ensured. German interviewee D4 said that "it is worth fighting with the women" (D4, Recording 2, Min. 6:10).

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## **Annex**

### **Annex I: Interviews with NGOs in Germany**

In the following a summary of every interview is provided. Most of the interviewees referred to “the women”. This means the victims of human trafficking for sexual exploitation.

#### **17.01.24 - NGO - D1**

The first participant works in specialized asylum procedure counseling, where she advises and accompanies women who are affected by human trafficking for the purpose of sexual exploitation and apply for asylum in Germany. She previously worked in a psychiatric clinic and has training in trauma therapy.

She reports that women often come into contact with traffickers through their wider circle of acquaintances. For example, women speak to each other at the market, saying that they have acquaintances who could provide for a job in Europe; for example, as a seamstress. The women are thus lured with the deception of a job placement.

The NGO is now seeing more and more women who have entered the country with visas and attributes this to the traffickers' possibly better networking, including in consulates. Women more frequently enter the country by plane. They also enter Europe by boat or via the land route. Countries of origin are described as Gambia, Senegal, and Nigeria; and boats are sometimes taken from Libya.

The situation of exploited women in Germany is often complicated. In the first part of the asylum procedure (the focus of the interviewees' work) is the hurdle of identifying the women as victims of human trafficking. This is not easy, as the experiences are often of such nature that one does not want to tell and the women are often unaware of the crime. Many have no victim awareness. However, this is important for the asylum procedure, as it must be clearly recognizable that one has been a victim of human trafficking,

Many women are also in the Dublin procedure. However, the NGO sees an extreme risk of re-victimization and re-traumatization in the event of possible deportation to the EU country of entry. Traffickers often have pictures of women and search for them if they have escaped.

According to the interviewee, criminal prosecution does not play a major role in their work. Women are often afraid to talk about what they have experienced out of fear that something could backfire on them or because they have little trust in the authorities because they have had bad experiences and have not been helped. One also has to weigh up the extent to which

it makes sense to expect the women to go to trial. For the criminal investigation department, a tangible crime is relevant, which often cannot be provided due to the structures of the crime and the networks behind it. The women often do not even know which country they are in and can provide little information, so the criminal investigation department is not allowed to investigate. Crime scenes are often located in other countries. German authorities then do not investigate and cooperation is not very developed. The work of the criminal investigation department depends very much on the individuals and how open and informed they are about the issue of human trafficking.

The NGO often comes into contact with the women via so-called state reception centers, which are run by the social welfare office or other by counseling centers.

The NGO is well connected regionally with network meetings. Occasionally, they also offer training courses, for example in schools or with the criminal investigation department. There are no known fixed collaborations in Europe or internationally and contact is only established when necessary. KOK<sup>12</sup> is best networked in this area.

In terms of prevention, the NGO works with various relevant stakeholders and trains them on the topic (for example: health department, job center, schools, especially on how to understand the Loverboy method).

According to the interviewee, it would be welcome if the criminal investigation department received better training on human trafficking and also more capacity. The area is often not assigned its own department, but is only part of the organized crime department and is therefore often neglected. Good cooperation with the criminal investigation department and other authorities is crucial here. There should be more awareness of crime there and in general.

In the best case scenario, the women are educated about human trafficking in their countries of origin and have support structures they can turn to. The interviewee also reported that there was probably an awareness campaign in Nigeria.

In general, she said that where there is demand, there is also supply.

She would like to see a more trauma-sensitive approach to the issue on the part of the authorities. The NGOs have a positive attitude towards the ProstSchG. They are critical of the fact that forced prostitution is increasingly shifting to private apartments and vacation homes, where the protection of the ProstSchG does not apply. However, as soon as the women are registered, as required by the ProstSchG, more authorities are involved, which ensures that

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<sup>12</sup> Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.



there is more control over whether the woman is being forced or not. Unfortunately, implementation is very *Bundesländer*-dependent.

There often seem to be misconceptions about the reflection and stabilization period. The purpose of this period is to allow women to process and calm down. However, many authorities see it as the women's duty to cooperate during this period.

In general, the NGO reports an increase in the number of cases.

### 23.01.24 - NGO - D2

Interviewee D2 has been working in the field for 26 years. Previously, she worked in youth welfare and care for the disabled. The current facility is run by the Protestant Women's Aid organization.

In the 1990s and early 2000s, many women came to the counseling center as a result of police raids. At that time, there was hardly any protection for women, as the legal situation was different. They were victims, but were also seen as perpetrators. This led to the development of the first counseling centers in the 90s. If the women wanted to make police statements, they could remain in counseling and care until court proceedings were concluded. This is still the case today.

Most women in the 1990s wanted to return to their country of origin as quickly as possible. They did not want any further contact with the police and were very afraid of the traffickers. Many had left family behind in their home country.

In the 90s, many women came from former Soviet countries. A lot has changed over time. Due to the economic situation of these countries, many women are in a better situation there and do not have to look for work abroad and therefore do not fall for false promises.

The EU enlargement has contributed to people being able to work legally in Germany and women who work voluntarily in prostitution are still active. There is now the ProstSchG, which is intended to give women a better basis for their work. One problem, however, is that many do not want to be registered. Fewer and fewer women can be found working illegally in public brothels. Nevertheless, there are still cases that are referred by the police.

However, the police regularly visit brothels that are registered in accordance with the ProstSchG. Most women report being exploited in private homes. These are less accessible.

Last year, the counseling center counseled 81 women. For about 8 years, there have been significantly more African women in counseling (approx. 70%).

After a while the Protestant Women's Aid organization saw the need to also open a counseling center for women working voluntarily in prostitution, which was opened in 2011. They do outreach work and advice for prostitutes.

As part of the large wave of migration in 2015, the NGO came into contact with initial reception facilities, as many women traveling alone from African countries came to Germany. This resulted in a weekly counseling project for women in the country's (*Bundesland*) initial reception facilities. Several women were found there who were victims of human trafficking and had already been forced to prostitute themselves on their way to Germany. Some of them

had already been exploited in Spain or Italy, while others were then trafficked on to France, the Netherlands and Germany.

Many women fall back on their community as a resource and get information from there; for example, how to contact advice centers. Contact is also established through the BAMF, which conducts an interview with the asylum seeker in the case of an asylum application. If this interview reveals signs of human trafficking, the BAMF refers the woman to counseling centers.

However, it is often difficult for the women to bring together the story of their flight and the events and tell it in an understandable way. This is particularly problematic when applying for asylum, because you have to be very specific.

According to the interviewee, prosecution has greatly decreased as the women have to make a very precise statement. This includes specific details about the location of the exploitation, specific details about what happened or a description of the people involved. If it comes to a court hearing, the next hurdle is that the woman takes on a dual role as both victim and witness. She often has to make a detailed statement again during the trial, and if there are differences due to uncertainty or similar, this is interpreted to her disadvantage. In general, the interviewee reports that there are fewer and fewer criminal proceedings (approx. 1 - 2 per year).

Cooperation exists in the regional context with the foreigners authority, the job center, the social welfare office, the police, women's shelters and other advice centers, at the federal level with or through KOK and there is a federal state of North Rhine-Westphalia network.

There was also intensive cooperation with the Federal Criminal Police Office (BKA) due to the nature of the crime. Crime scenes are not always (only) in Germany.

The interviewee also recalls a trip to Nigeria organized by the BKA about 10 years ago to see the situation on the ground

In terms of prevention, the interviewee says that everyone has to question themselves. Due to the prevailing exploitation in other countries, conditions in these countries are often similar to slavery. In countries where poverty prevails, people are more or less forced to look for work in other regions and as long as there is an economic imbalance, people will migrate.

There is a lack of opportunities and prospects for women. It would be good if they had another option for obtaining a residence permit in addition to residence on humanitarian grounds.

In her opinion, prostitution legislation in Germany does not contribute to the problem. In case of a prohibition, prostitution takes place underground. Sexual accompaniment would then

cease to exist if it were banned. Everyone has the right to sexuality. There is no recipe, you have to look for common solutions. You shouldn't decide for others. Social workers or counselors in brothels, you have to be creative with solutions. But a ban will not be a long-term solution. But she says she herself would not like to work in a brothel. But she doesn't draw conclusions about others on her own. Putting pedophiles in prison won't solve the problem.

### **26.01.2024 - NGO - D3**

Interviewee D3 has been working in her current position for 4.5 years. A specialist advice center for human trafficking. This also acts as a coordination center to educate people on human trafficking.

According to interviewee D3, women often come into contact with traffickers through "madames". It is often a case of trafficking from women to women. "Madame" is usually used so that the traffickers do not have to reveal their names.

Contact is usually made in the natural environment, sometimes via the extended family circle or in public places, for example through small talk, where the woman is asked about her current situation. The precarious basic situation is used to open the door to new work opportunities in Europe. Often, there are women-specific reasons for fleeing, e.g. circumcision, forced marriage, violence and others. The women then often go with the next best person who makes them an offer or gives them some sort of a perspective. The interviewee reports that a precarious basic situation is the rule.

In 2023, there were many countries of origin. In 2022, there were many Guinean women, One of the typical routes runs from Nigeria. In the past, it used to be directly by plane, but nowadays, it is overland via Niger, Libya, and then to Italy.

Interviewee D3 reports that a lot of awareness-raising and prevention work has been carried out in Nigeria, so there is a suspicion that there are now other countries used to find women. Women from Lagos or Benin, cities in Nigeria, know the term and the concept of human trafficking to some extent. The general feeling is that the market is shifting and therefore other countries such as Guinea, Ghana or Gambia are increasingly appearing as countries of origin.

Often women only speak their own language, i.e. no English or French with which they could get help, which makes them even more vulnerable.

The women usually come to the NGO via the asylum system. There is a distribution key in Germany and many nationalities do not even come to the federal state of the interviewee, as she reports. According to the interviewee, the BAMF does not always like to have the NGO present during the asylum process. So contact is often made via NGOs working in the refugee sector.

There is the general rule that vulnerable groups should be treated differently in the asylum procedure. There are special envoys for certain groups, including victims of human trafficking. Unfortunately, identification as a victim of human trafficking often only takes place after the asylum procedure interview that is conducted by the BAMF, but according to

EU directives, identification should be carried out on the first day. This does not work. In some cases, there is not even a proper identification guideline for refugees. A blind refugee can be recognized directly, but the identification of a victim of human trafficking is often delayed.

Another problem is that some of the women do not know what sexual violence is and that it could play a role in the context of the asylum procedure, or they do not dare to tell everything when they are interviewed by a man, for example. Therefore, the NGO tries to be involved in the procedure in good time so that they can prepare women for the interview at the BAMF and evaluate with the woman which points of her story are important and should be told.

The NGO is clearly against the Nordic model, as it is not favorable for victims and as they can no longer be found. After 2017 with the ProstSchG, there were hardly any African women in brothels. Exploitation in brothels is hardly possible anymore with the strict regulations of the ProstSchG and the regular checks, as well as the 1x annual mother tongue counseling, without an accompanying person allowed. Human traffickers no longer enter the official system and focus more and more on Airbnb apartments, but these are more difficult to detect.

Furthermore, the interviewee reports that some women do not speak European languages or are unfamiliar with terms due to their origin (rural regions in Africa). Some cannot distinguish between a hotel, an Airbnb or an apartment, but can only say that they have been exploited. Another assumption is that traffickers are slowly looking for other countries to exploit women. Exploitation in Germany is either non-existent or so concealed that it is impossible to keep up, according to Interviewee D3.

The interviewee also reported that there is a hotline for sex buyers where they can call as soon as they recognize something suspicious.

The NGO distinguishes between victims who are in the asylum system and victims who come to them via the police. Both cases require different actions. The NGO checks with women whether it makes sense to file a report. Unfortunately, there is no worldwide criminal prosecution system to fall back on. However, prosecution is possible throughout Europe.

In the case of women from third countries, the first thing to look at is their residence status and where their travel documents are. Many no longer have these and also no residence status. Then it's about emergency supplies of clothing, food and toiletries, as most women have nothing. Finally, they also have to apply for financial benefits.

The interviewee also mentions the reflection and stabilization period and that women who decide to go into criminal proceedings have the option of a right of residence. She thinks the

system is good in theory, but in practice, it often does not work out so well. For example, the reflection and stabilization period is regulated in the departure and deportation paragraphs. A person concerned from those paragraphs usually does not receive any financial benefits during the departure period, but in this case, they do.

The reflection period should serve to stabilize the woman so that she can then enter a process. A residence permit in accordance with § 25 IVa AufenthG can be obtained through cooperation with the authorities. However, this is tied to a declaration of indispensability from the public prosecutor's office, i.e. the public prosecutor's office must regard the woman as an indispensable person in the proceedings. Due to the structure of the crime, this can often be difficult if, for example, no evidence can be obtained from the woman's statements. A mere statement to the police is not sufficient to be considered indispensable.

Human trafficking is an ex officio offense. This means that as soon as the police find out about it, an investigation is launched. This also makes the woman a joint plaintiff and victim witness in the criminal proceedings.

In the interviewee's experience, many cases involving third country nationals are dropped because the women are sometimes not the typical, useful witnesses. This makes them less credible. She also has the feeling that the police have little training in this area. Specialist squads are often taken away for other things, such as murder.

The interviewee reports that she sometimes only has one hour for training in various areas. Even trauma training in the relevant authorities is not enough. For example, many do not recognize it when women dissociate and do not know how to deal with it. A few specialist lectures are not enough. The system is therefore not very trauma and culturally sensitive.

The women who have been exploited have often been given false promises, so they have little trust. Trust has to be earned, so as a counselor, one first has to prove themselves and take small steps to gain trust.

There is a cooperation agreement on human trafficking between various NGOs of victims and the police, as well as the migration authorities and other relevant authorities, which is currently being worked on and it is hoped that a cooperation agreement will become a decree by the Bundesland so that a certain procedure is legally prescribed and there is something to refer to.

Cooperation exists across the federal states and nationwide via KOK, which also trains the police. GRETA is active throughout Europe. The NGO reports on case contacts with various other NGOs depending on requirements. For example, there have been trips to other countries to maintain contacts. The BKA is also networked throughout Europe, for example

via the LIBERI project. In Nigeria, there is Naptip, which supports people who have been victims of human trafficking, and its president has traveled to Germany to make contacts. She does not see the Nordic model as a preventative solution. The ProstSchG provides a good basis, but it needs to be expanded. A report is due in 2025.

According to the interviewee, there are no real figures in Germany on women in prostitution, they are mostly rough estimates. She sees another problem in the fact that digital media have no obligations. For example, if the servers are abroad, it becomes difficult. AirBnb would also have to be held responsible.

Development aid must be provided so that women do not become victims in the first place. In most cases, minorities cannot survive in their countries of origin. As a result, there are no prospects, hardly any schooling and a precarious basic situation. It makes sense to help people to help themselves, as well as to educate them, but this could also only lead to a shift. She also addresses an ambiguity. The market is there and that means our men want women. And the market is there because we are robbing the continent of Africa and making it poor.



### **31.01.2024 - NGO - D4**

Interviewee D4 has been working in this field for seven years. She is a pedagogue and has completed further training as a trauma counselor due to the need. Seven years ago, she started volunteering once a week on the streets and counseling women. The NGO has shelters, carries out outreach work and public relations work.

Women get in contact with traffickers via various channels. Women are lured with false promises, sometimes also with false job advertisements, for example as babysitters or similar. The NGO occasionally finds women from Africa, but currently the majority are from Eastern Europe. She recommends another NGO that specializes in African women.

She reports that many women have no victim awareness, are not aware that they are victims of human trafficking and do not know their rights.

Exploitation takes place both in private apartments and in official brothels. According to the Interviewee human trafficking happens everywhere. According to the BKA Federal Situation Report, more prostitution is taking place in private homes, but she is of the opinion that human trafficking has not shifted, as it is still possible in many areas.

She says that it is often not possible to work intensively with the women, as they often change cities and you may only meet a woman once. She says it is questionable how deeply you can work with her, whether you can show what rights she has and determine whether she is affected by human trafficking. Another problem is the language barrier. Women often only speak the words they need for their work. Women can therefore often not be identified as victims.

The NGO has had cases of exploitation in brothels. The fact that exploitation in brothels occurs again and again is explained by a lack of victim awareness and a lack of manpower in the police force. It is also difficult when the police come and simply ask "are you doing this voluntarily?". Women then often say yes and the police cannot do anything.

She has had different experiences with working with the police, some very good, some not. She describes it as 50/50. Different areas have different good experiences with the police and their expertise.

But, it also depends on what experiences the women have had with the police in the past.

The ways for the women to get out of the situation, for example through outreach work by the NGO, inquiries from the police, the health department, clients or the public order office.

The interviewee reports that she is part of a network that she can fall back on, which enables the NGO to refer women to sheltered accommodation, as women from the NGOs region

cannot go to a shelter there. She also reports that funding has to come from donations or project applications via the ESF or BAMF, or Aktion Mensch.

She further reports that every woman has her own story and therefore her own trauma. It is difficult to cover all needs properly. Drugs are also a problem, as is returning home or trauma bonding. It is difficult to provide 24/7 support for women for financial reasons.

She says that in your work, you have to be honest with the women, i.e. you don't tell them that a report with the police makes everything okay. The interviewee wants to support women and above all provide stability, and then it can take 3 to 4 months before you can think about filing a complaint. She also reports that sometimes women are not believed because of their trauma and the associated consequences.

The reflection and stabilization period is used if, for example, the woman is not sure whether she wants to press charges.

She sees a need for improvement in the fact that offices and authorities need to be sensitized. If you reach out to them they often say it's not their area of responsibility and then don't give any further advice. Fixed contact persons or regulations would help as well as low-threshold and faster work, as dealing with the authorities is often a lengthy process.

Prevention work is offered wherever they are invited. There are networks throughout Germany (Together against human trafficking) and Cooperation via EFN (European Freedom Network). The interviewee remembers an OSCE training course, which enabled her to establish many contacts and network. Having her foot in the door helps her a lot and she has built up a reliable network.

Preventative education should be provided, for example in schools, but also in the milieu.

The NGO is currently working on a video project via TikTok to reach women at a low threshold and educate them about things such as sexually transmitted diseases, what human trafficking is and where to find help, as flyers are ineffective if women cannot read.

To prevent women from becoming victims in the first place, education and awareness must be provided in the home countries. She also believes it makes sense to make Germany a less attractive country for human traffickers. The liberal legislation makes the country attractive to human traffickers.

The NGO is in favor of the Nordic model. It is not the solution for everything, but human trafficking might be declining because of it. It is not about criminalizing women, but about the fact that most women are affected by human trafficking and very few of them work in prostitution voluntarily.

We owe it to the women to stand up for them and offer them something different. The ProstSchG was well thought out, but it is difficult to implement in practice. You have to look for how Germany ticks and what Germany needs. The interviewee thinks criminalizing the purchase of sex is a good approach.

She also reports that the traffickers often have good lawyers, for example, she remembers a trial in which the lawyers pleaded that the traffickers had no other perspective than trafficking women

In conclusion, she said: "It is worth fighting with the women" (D4, Recording 2, Min. 6:10)

## **08.02.2024 - NGO - D5**

Interviewee D5 has been working for the project as a social worker since 2017.

The women's contact channels to the traffickers are very country-specific. The interviewee reports that juju curses are sometimes used with African women, while in Eastern Europe it is girls in orphanages who are sought out directly or recruited using the loverboy method.

She also refers again to the same NGO that interviewee D4 referred to. In this context, she reports on a cooperations and also on specializations of individual shelters or NGOs that are known and used.

She says that the eastward expansion of the EU has made it easier for human traffickers. It is more difficult in third countries because a high level of organization is required there. The women often come to Germany with a tourist visa. Many women have their passports taken away and when women are then in private apartments, it is difficult to trace what exactly they are doing. Spain and Italy are also transitional routes.

According to the interviewee, exploitation takes place in official brothels, on the streets, in caravans and in apartments. Each of these concepts has its own characteristics, but there is coercion in all of them. Just because something is official, it does not mean that everything is good. If one takes a closer look at the situation, they can see that some women do not have their passports with them, and they should also take a closer look at how the women ended up in the respective situation, whether they could really leave, or what clients are allowed to do with the women. An official brothel needs a security concept, but it is questionable to what extent these security concepts can be used and accessed by the women. She also reports that violence is part of the milieu. It must also be questioned how new women are constantly being provided for, for example, there are sometimes human trafficking rings that provide supplies in brothels, which means that there is organized crime in the background, despite the official character. She also reports that there are usually younger women on the streets and that there is usually a pimp behind them. Often there are also connections with residential brothels.

She reports that prostitution and therefore forced prostitution and human trafficking did not stop even during the COVID-19-lockdowns, but have moved more into private apartments. The police have less power over them and it is more difficult to control, which makes it easy pickings for human traffickers. She says that you can recognize apartment brothels by the fact that they are often run-down buildings but have a camera.

She sees the ProstSchG as a nice idea, but in her opinion, it was created by people who have no idea about the milieu. She cites the condom requirement as an example of this. First questions that come to mind are: who is supposed to monitor this and how is it monitored? She says that a client does not want to wear a condom. The woman does not have the option of saying no, because the customer is king.

She also reports on "preparation houses" in which the women are prepared for the milieu. There, women are "raped as much as they need for the milieu" (D5, Recording 1, Min. 21:44) in order to harden them. If they do not obey, something happens to them or other women.

Sex buyers do not care if the woman is beaten green and blue. They just want to have their needs met.

Compulsory social insurance or health insurance is also a good idea in the ProstSchG, but there are few women who really have social insurance or health insurance even though they are registered. The interviewee describes the milieu as a parallel world.

The ways out of the coercive situation rarely involve raids. From the interviewee's point of view, the police are not trained well enough. The women often report themselves or are picked up for other reasons. Hospitals or mental health clinics have also reported suspected trafficking in a patient. But, migration counseling centers also contact the NGO if they have suspicions.

The interviewee reports that all women are traumatized by human trafficking. Most of them need a very long time to become stable. The violence they have experienced is enormous. The clients come with fantasies and it is usually not flower sex, the women are seen as a commodity and they are just a "living rubber doll" (D5, Recording 1, Min. 29:40)

Victim protection can provide financial support, but this requires a trafficking case to be opened and a report to be made. But women are afraid of this. They often just want to calm down and turn their backs on what has happened to them. There are often gaps in the women's statements due to the trauma, which makes them seem untrustworthy. If one knows anything about trauma, they know why there are gaps. But this knowledge is missing, according to the interviewee. In their opinion, there are also far too few trauma therapists or further training courses in the field of trauma for stakeholders. Trauma is part of everyday life in this area.

In the opinion of the interviewee, improvements need to be made, especially in the case of residence rights.

There are networks with other NGOs in this area. It is important to know which NGO is where in Germany and how they can be reached. They are networked with various

organizations across Europe. In the regional area, the NGO works to ensure that the authorities and stakeholders know them. For example, gynecologists, hospitals, tax investigators or the public order office.

Prevention should be carried out through education. To this end, the NGO also goes to universities, including police colleges, to train students on the topic. In Germany, they also have a project on the loverboy method, also for boys. This also educates them about prostitution and pornography.

The interviewee is of the opinion that men need to be held accountable. If there is no demand, there will be less need for women. She also believes that it makes sense to inform and reach the public. Given the high demand, it cannot be the case that all women do it voluntarily. However, there are few statistics that can be relied on and none that paints a holistic picture.

To prevent human trafficking from occurring in the first place, she says, we need to look at what would prevent clients from buying sex. There is a study on this by Melissa Farley, in which clients state that illegality has deterred them. So far it is easy to buy sex. According to the interviewee, this does something to the image of women. A discussion about MeToo and prostitution does not go together. We need a different view of sexuality and intimacy. Another topic is pornography. Platforms like Only-Fans have also changed the debate a lot.

As a rule, human trafficking does not come alone, but often goes hand in hand with other crimes and criminals often resort to these networks. It is lucrative and attractive because one can sell a woman multiple times, whereas they can only sell drugs or weapons once. The interviewee thinks it should be made as difficult as possible for human traffickers.

In her opinion, there is a general lack of resources and trauma-specific training. Education on the topic of voluntariness should be carried out in order to clear up the associated naivety in this area by the general public. For the interviewee, a pro-prostitution side is not compatible with feminism. Because it is not about women's sexuality when you look at how clients see women. In her opinion, sex is placed above women's rights.

## **12.02.2024 - NGO - D6**

Interviewee D6 has been a social worker for 5 years. Before she took over the management of the current counseling center 1.5 years ago, she had gained experience in care and counseling. She was abroad in Rwanda for about 1 year.

In her experience, the women come into contact with human traffickers through various channels. In Nigeria, it is often a mafia-like structure. She talks about an organization called Black Axe. This organization is involved in many schemes, but also human trafficking for the purpose of sexual exploitation. They often contact women who are affected by poverty. They approach women who they feel need more money to feed their families. Other women are also often used for the recruiting process. They tell the women that they have done the same and have been able to solve many problems. In Nigeria, due to the good and professional organization of organized crime, women often travel to Europe by plane. However, strange things usually happen before the women arrive in Europe. For example, commitments are made with juju spells and then threats are made against the family.

In Guinea, land routes are often used. The number of Guinean women has increased significantly in recent years. They are also often recruited through false promises. A typical route is Guinea, Mauritania, Algeria, Morocco, the Mediterranean, Spain, where they are first sent to a camp and then to Germany.

Exploitation takes place everywhere, from street prostitution to brothels. The women are not registered, they usually have no papers either. They are at the mercy of the pimps. Often a debt is owed for the escape or the journey to Europe, which these women then have to pay. However, the debt is so high that it is actually impossible to pay it off.

Interviewee D6 says that the ProstSchGt is a system that is easy to exploit. For example, through prostitution in apartments, since this is difficult to control.

The normal ways out of the exploitation situation are via raids or self-reporting. The route via the police is easier, as they are already involved and already have suspicions, so they can investigate well. Self-reporters are usually in a worse situation, as they first have to take care of their papers and residence. Often they can hardly say anything due to their trauma, which means that in the rarest of cases, statements relevant to the investigation are made.

The NGO has had good experiences with the reflection period. As a rule, the NGO tries to encourage the woman to approach the police or to consider whether she wants to stay in Germany.

If no investigation can be carried out, then asylum must be applied for in order to obtain a residence permit. Since then you are only a "presumed victim" and that is not sufficient grounds for asylum. However, the problem is that if they return to their home country, they will be found again and have to live with the consequences. She sees this as a gap in the legislation. In most cases, an attempt must then be made to obtain a reason for asylum on gender-specific grounds. This can include genital mutilation, for example.

She says that there is little public interest in the topic, as there are fewer people affected as a percentage of the population. It is not in the focus of the masses. The figures that are collected are not very meaningful, she suspects that the number of unreported cases is significantly higher.

She believes that liberal legislation is fueling the problem. Liberal legislation oversimplifies the debate. The problem with seeing prostitution as a normal and legal job covers up the dark side of the system. The majority are illegal and they can't use or benefit from the ProstSchG system. The NGO is in favor of the Nordic model.

Cooperation takes place at state level, but also with other NGOs. They are working on cooperation agreements with the federal police in order to identify victims of human trafficking more quickly. They are also in contact with the state ministry. The organization itself has advice centers throughout Germany. It has EU projects and networks in Eastern Europe and Africa. The NGO also has a returnee program. In this program, they help women who want to return to their home country to develop an idea and a plan for life there. They then also refer them to local specialist advice centers.

She reports that there is far too little further and advanced training on the subject. The police would even like to see more training on the subject. She thinks it would be a good idea to standardize this so that it makes the process easier, so that not every advice center has to develop concepts, as this also costs time and resources.

In general, she thinks that the general public also needs to be addressed. But also that low-threshold work needs to be done, i.e. via YouTube ads or other social media platforms.

She believes that it is good to support services in the countries of origin and that local people can work with those affected. Poverty should be combated. The greatest risk for women is their lack of opportunities.

The problem must be recognized. However, she also says that where there is demand, there is also supply. Men can have a sense of power over prostitutes that they cannot have over their wives. They come with fantasies of violence. They have paid and can do what they want.



### **15.02.2024 - NGO - D7**

Interviewee D7 has been working in this area since June 2023 and this also represents her first work in this field. The advice center accepts people of all genders. However, many clients are currently women from West Africa.

Contact with the traffickers is made in the natural environment. The women are sometimes approached on the market over a longer period of time and are deceptively offered work in Europe. For example, hair braiding, childcare or cooking. As a rule, the basic situation is precarious. Sometimes they have no money to feed the family or they run away from the family due to violence (domestic violence, forced marriage).

Sometimes flight tickets are bought for the women, but often there is also a land route. Sometimes they are also recruited in the course of their flight.

The women usually find a way out of the situation via a third party; for example, via a suitor or a janitor. The women are usually locked in and are not allowed to leave the place of exploitation alone. These are often places where several women are held captive, but it is noticeable that usually only one woman is freed. In some cases, women are also referred via the BAMF or through acquaintances. The NGO is working on being well networked so that surrounding authorities and people know who they can contact. The reflection and stabilization period is already automatically issued for 6 months in this federal state/region and is often extended. This gives the NGO good scope to work, which they welcome very much. The women are often illiterate and traumatized, it takes time to work with them, to stabilize them and prepare them for a statement. But often a statement does not help for the reasons mentioned.

It is often necessary to decide whether to opt for the deportation delay via the reflection period and attempt to enter criminal proceedings or whether to go straight to the asylum procedure. In the asylum procedure, it must then be proven that the woman is affected by gender-based violence in her home country. She describes criminal prosecution as sometimes frustrating, as often only one person is convicted, but you know that there is a network behind it.

She says the NGO communicates well with the police. There are also networks via various working groups in the region, but there are also nationwide networking meetings.

Interviewee D7 says that the NGO does little preventative work, as it sees its main task as supporting those affected. However, she says that the power imbalance and the different economic situations need to be addressed.

In addition, improvements need to be made with regard to the right to stay; a different asylum situation would significantly simplify the problem. Safe routes to Europe would also help to ensure that people no longer find themselves in a situation where they have to pay off their debts. However, improvements should also be made to the funding of specialist advice centers.

She believes that work needs to be done in society and that people should understand that sex work is not forced prostitution. They may be in a forced situation, but it is not forced prostitution. She is against the Nordic model. The ProstSchG provides a good basis for cooperation.

### **11.03.2023 - NGO - D8**

The NGO was founded in 2010. The interviewee is the first and only male interviewee for this project. The reason for the founding was the story of a Nigerian woman who was exploited in Italy, which the founders had heard about.

They then began low-threshold outreach work in the red-light district in Germany.

An exit-apartment was set up in 2016. During the wave of refugees that had recently arrived, there were not only women from the Middle East but also many women from West Africa in the initial reception centers and the government office contacted the NGO and asked them to take in some of these women. These women had a secondary migration behind them, for example they often came from street prostitution in Italy and then applied for asylum in Germany. The exit-apartment developed more into a shelter.

The needs of the women are very different. For example, women who are affected by forced prostitution or often just want to get out of prostitution do not want or need the amount of protection that victims of human trafficking do. As a result, two counseling centers were created, one for women in prostitution and the other for victims of human trafficking.

During outreach work, the NGO came into contact with a Nigerian woman. She came to a shelter through the NGO after a client broke her thumb. After her injury had healed, she returned to prostitution. The interviewee described this as difficult, as it was clear that the woman did not enjoy working there and she said many things that indicated a form of coercion. However, she wanted to earn money to pay a lawyer to take action against this client. It's a cycle. After about 1.5 years, she decided to leave and got out successfully.

The NGO's first real human trafficking case came from Spain. The woman was pregnant, a sex buyer helped her and took her to the city of NGO. The woman had no papers.

Contact between women and traffickers is usually made through acquaintances. The women often want to get away from their families or earn money. To do so, they move from the countryside to the big city. In the big city, they often come into contact with a so-called madame who offers them a job in Europe. They are often aware of the precariousness and difficulty of this path. However, they hope for a success story.

When asked about awareness campaigns in Nigeria, the interviewee described that the topic is sometimes addressed. There is Nollywood (Nigerian Bollywood), for example, which sometimes addresses the topic in series. Very few are completely naïve, but they have a deep conviction that everything will be fine.

Many returnees do not talk about what happened to them out of shame. They are only informed via official campaigns and not at first hand.

He agrees that the lack of implementation of ESC rights can be a reason for human trafficking. He says the decision to leave the current situation comes from the idea and a desperation that it will be better somewhere else. Europe is then often seen as a kind of promised land. Some women also said: Where I come from, it's dark and in Germany it's light. According to him, this is based on an experienced reality.

He also describes it as problematic to obtain residence permits for trafficked persons. The place of the crime must be Germany and without proceedings there is no residence permit on the grounds of human trafficking. Many clients pass on the story, but often it is not enough to initiate proceedings. As long as residence is tied to proceedings, there will be no improvement.

The Dublin procedure also plays a major role in this, as women often return to the place of exploitation and are trafficked again.

In 2023, there was an EU project through which the NGO strengthened the network with Italian NGOs. This is very relevant for Dublin cases, as an NGO can be contacted locally in the event of returns and the woman can be referred.

The NGO uses the reflection and stabilization period occasionally, but would like to use it more. It sees that the migration authorities have many requests and not enough resources to deal with them all. He therefore very much welcomes the fact that the local foreigners authority will soon have a clearing office and that there will then be a permanent contact person for the NGO.

He says that the training in the federal state has progressed well. Cooperation with the police is working well.

The NGO collects data and publishes it itself. It is aware of the plan to improve data collection and standardize it across the country, and would like to contribute to this.

The NGO is neutral towards the Nordic model. In part, it is rather critical because of the situation it puts the clients in. It does not see prostitution as work like any other, because there is a great asymmetry in it. There is the occasional empowered sex worker, but that is not usually the case. Buying sex at eye level is a rarity. The NGO is not satisfied with the status quo. He says it is rightly a social debate. In his work, he sees how many people suffer under the system, a system that makes this suffering possible. Nevertheless, they have decided to stand in ambivalence. Without saying yes or no to the debate about a Nordic Model in Germany.

They cooperate with various specialist counseling centers across the state and country. They have many EU projects and are connected through them. These networks are used when necessary. (to list them all would go beyond the scope of this summary)

He describes cooperation across borders as very challenging, especially when it comes to authorities. For him, it seems as if NGOs are the oil in the engine. There are many good networks at the NGO level, but not at the official level.

He also says that we need to look at Libya, something needs to happen there. The EU also has a socio-political responsibility there. The majority of migrants come to Europe through Libya.

He also says that a legal system at transnational level would be important, if not at least for the EU.

Furthermore, there must be a possibility for the affected to gain a foothold in Germany.

## **Annex II: Interviews for the Tunisian case study**

### **12.02.2024 - NGO - T1**

The interviewee works closely with the Tunisian Refugee Council (CTR). They work on 3-4 of asylum seeking applications daily. They also meet people in need of counseling.

The interviewee was asked how they were educated on human trafficking. They stated that it was not part of their formal education. They learned about it because they were curious. They described themselves as a good listener and this helps when they are listening to people's stories. The asylum seekers are given assessment forms and some of these forms include vulnerability assessment provided by the UN. They are trained on these forms and their content.

Asylum seekers are asked to tell the interviewee everything so they can evaluate their case and provide them with as much protection as possible. This is part of their mission.

There are two different types of evaluators: field assistants and caseworkers. Field assistants work on cases that are not considered very vulnerable. If the cases are found to be very vulnerable then they are moved to have a case and a caseworker. Field assistants have to think about whether people are getting enough assistance. Caseworkers ensure follow-up with every person, more protection, referrals to other organizations (for shelter, trauma, training etc.), among other things.

There is a psychologist as well that people can ask for and the interviewee usually recommends. However, not everyone accepts to see a psychologist, especially people who faced gender-based violence and homelessness. The first thing the interviewee has to do is to usually secure a shelter space and then work on other things, like trying to convince them to seek healthcare. There is a professional health team if someone was raped. Victims can also receive reimbursement and compensation once they rest and are stable.

The interviewee thinks that sexual exploitation happens in Libya, not Tunisia. They have not come across human trafficking for sexual exploitation victims in Tunisia. However, they have come across victims who crossed from Libya and were exploited and trafficked for sex in Libya. In Tunisia, they can also be exploited for sex but among the migrant community, not by Tunisians. However, they are not in Tunisia to be trafficked for sex. Usually, they are in Tunisia to run away from what happened to them in their countries or Libya.

However, if they are victims of trafficking or rape, they are still not considered victims by the Tunisian authorities, especially lately. It has been getting worse for asylum seekers from Sub-Saharan countries. They face a lot of challenges through their migration journey to

Tunisia, including sexual harassment, sexual assault, and rape. They also have to deal with the Tunisian authorities.

Several incidents have happened lately, especially to Sudanese people who are coming in bigger numbers. Several of them have been detained for not having documents, even though they are going through the asylum process. Some authorities' officials also do not recognize asylum and refugee cards as official documents, even though they are officially recognized documents.

There is no way to integrate migrants coming in, regularly or not, asylum seekers or refugees, etc. This becomes an even more complicated process when police officers do not understand the difference between refugee, asylum seeker, trafficking victims, migrant, etc. More training and awareness raising needs to be done. Officials who are in direct contact with these groups need to be educated more on the different definitions and situations.

The biggest number of asylum seekers and refugees come from Syria and Cote d'Ivoire (Ivory Coast). Syrians and Ivorians, even though the majority are asylum seekers, are treated as refugees because their number is really big. However, they are not allowed to sign any contract, like housing or work. This is very problematic because there is no way for them to be integrated and puts them at risk of exploitation.

The majority of Sub-Saharan Africans who came to Tunisia were advised by their friends to come to Tunisia. No one of them stated that they had debts to be paid to their smugglers or that they were forced to come here. The interviewee believes this to be the truth and had never heard of a case they had or their colleagues where people had to pay smugglers or traffickers.

There are several types of financial assistance. One can be provided only once; one for a few months; and one regularly. There is a good chance of getting financial assistance but not necessarily the regular financial assistance because it has a lot of criteria. This is also problematic because financial assistance creates dependency. There is an emergency cash financial assistance that can be provided once a year. There are several types of other assistance forms.

There is a lack of coordination between the different partners. The interviewee believes all partners need to sit together and talk. Recently, they have had the chance to provide feedback to the UNHCR and thought that was fruitful.

There are small details that can make the lives of migrants better. For example, transportation between the different relevant actors is not efficient. Sometimes, people have to walk for

hours, in really hot weather that can reach 50 degrees during the summer, because they are sent back and forth between the different organizations.

It is also important to create more partnerships. There are many partners working on the same thing, with the same vision. But, more coordination is needed. There are enough shelter places, for example, for asylum seekers and refugees.

It is primordial to look at Libya as well, which is often forgotten. The interviewee heard from asylum seekers that a lot is happening in Libya. No one is focused on Libya. People do not even manage to get out of there. They are being killed, tortured, raped, sold, etc. There is no data available to back all of this, but the case officers are horrified by the stories by the people who survived Libya and managed to make it out.



## **23.02.2024 - Former Member of Parliament (Rabha Ben Hassine) - T2**

The interviewee currently works at the National Observatory to Combat Violence Against Women (Observatoire National VEF). Before that, she worked as a member of parliament from 2015 to 2019. She was part of the Rights, Freedoms, and Foreign Relations Committee. She worked on writing and editing several laws, including Law 2016-61<sup>13</sup> on anti-trafficking. The interview started with the interviewee being asked why the law was not written sooner since the Palermo Protocol was signed in 2003. The interviewee said that trafficking, like any other phenomenon, is hard to tell the consequences of. People weren't aware of the problem. It took time to recognize this problem exists. As a similar example, a lot of effort had to be put into recognizing violence against women as an issue, before making it into a clear law (Law 58). People did not see domestic violence as an issue because of the patriarchy. Tunisians are now more aware of trafficking, but it is under the level of awareness that is needed. Trafficking became a problem that was visible when Tunisians saw the exploitation of Sub-Saharan Africans. Activists were very involved in this.

The interviewee was asked if the Observatoire National VEF works with trafficked women. She said that there is an overlap of responsibilities between the National Authority to Combat Trafficking in Persons and the observatory. When they have a case, they try to guide the victims to specialized people and also raise the awareness of the victim that they are a victim. Sometimes the victim does not realize what happened to her.

The interviewee could not comment on why judges would try victims as prostitutes instead of trafficking victims. She said that some judges are reluctant to use these laws, law 2016-61 and the domestic violence law (Law 58), in trials, because the penalties and punishments are severe and very hard. The judges could also have a lack of understanding of the trafficking issue. These are new laws with new philosophies. These are problems that need coordination with so many national and international bodies with very high knowledge. Education is very important.

There are no resources to educate people on new laws to be implemented. Slavery was abolished by Ahmed Bey in 1846. There are NGOs that implement training and education. There is a lack of guidelines to provide prevention, assistance, etc. More than half of the victims are women and children.

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<sup>13</sup> As mentioned in the main report.

As long as there is a law, we can continue to work and hope to improve. There must be better coordination, locally and internationally. There needs to be better coordination among institutions, NGOs, legal aid clinics, etc.

There were so many conflicts between Sub-Saharan and Tunisia, especially in Sfax, a city in Southern Tunisian. The problem is the lack of international cooperation. This is a Mediterranean problem that affects everyone in the region. There is a network of criminality that brings Sub-Saharan migrants to Tunisia and on to Europe. Tunisia has limited resources to deal with this problem on its own. There needs to be group responsibility. It is a transnational issue and therefore requires transnational cooperation. Everyone needs to work together.

In Tunisia, politicians and policy makers try to respect human rights and try to solve human trafficking all together, but more effort is needed. They are trying to ensure that victims are treated as victims and they get the support they need. They refuse to have people be treated as goods to be sold.

The interviewee said that people have to see others as people and treat them as people and have to respect people and their rights. When humans are trafficked, they are seen as a production machine, but they are human beings. People have to see the humanity in others, even if they are illegal immigrants or from low socio-economic backgrounds. They are not objects.

This is the philosophy and mindset that the interviewee had when writing the law. It is important to recognize this philosophy of seeing human beings as subject of rights and rights' holders when writing human rights related laws.

### **28.02.2024 - Former Member of Parliament (Nozha Beyaoui) - T3**

The interviewee worked as a member of parliament from 2015 to 2019. She actively worked on the anti-trafficking law during her time in the parliament.

During the interviewee's mandate in the parliament, laws had a revolutionary vision, despite the arguments, disagreements, lack of resources, etc. Everyone tried to change as much as they could.

Law 2016-61, the violence against women law, and all discrimination, in the interviewee's opinion, are among these revolutionary changes. She calls these laws the three-dimensional laws because they do not stop only at punishments. The victims are also protected and can be provided assistance to, mentally or financially, etc.

Law 2016-61 also focused on women and children. While she doesn't recognize women as a vulnerable group, but because they are still exploited, the law needed to focus on both women and children. The law also specifies mechanisms of international cooperation because human trafficking is a transnational issue, that requires transportation of victims, coordination between the criminality networks, and other things that require the involvement of people in different countries. This is why the law specifies that Tunisia needs to collaborate with other countries.

Another important aspect is that the law set all definitions of the lexis used in it from the start to avoid misunderstandings and misinterpretations. It is not just trafficking, but also the transport, the coercion, smuggling, threatening, etc. All of these are considered human trafficking. Even people working in prostitution, if they are forced to do a sexual act that they do not consent to, are protected under Law 2016-61. Just because people are prostitutes, it does not mean that clients or any other person/ group/ network that seeks to exploit these women, get to have their way with them without their consent or against their will. No one can force prostitutes to do what they do not want to do. It does not mean that they can be subject to any sort of trafficking.

The law also protects women from forced marriage and "using their wombs to have children<sup>14</sup>" as human trafficking. This is in addition to exploiting children economically, through sex or begging, with the aim of forcing them to work. There is an emphasis on women regardless of their background, their profession, etc. to be protected. In practice, the law also includes Sub-Saharan African women.

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<sup>14</sup> Closest literal translation.

When asked about why judges can try women for prostitution when they are being trafficked, the interviewee said the law states that a National Authority to Combat Trafficking in Persons, which is mentioned in the law, must be launched to work on this issue. The interviewee does not know if this authority is operational. There is always something missing: either the culture and mindset of people do not let you properly work or the law exists but there are missing aspects. In this case, one can wonder if the authority is operational and the government is supporting its work through funds and resources. The national authority also must follow the standards set for it by the law, like having a strategy, providing data, and cooperating with other authorities to help victims. The interviewee is not sure if this is happening or not.

Tunisian administrations suffer from a lot of things. The laws are there. They are advanced. But, the administration and bureaucracy are missing a lot of things. These things can be changed only through education and education from a young age. It might take 20 years but we have to start rather than not start at all.

The law on trafficking is very advanced. The government just has to put the mechanisms in place already mentioned in it and work on changing the mentality and mindset of people and how they view this issue. This needs education. Children need to be taught on exploitation, discrimination, and violence so they grow up to be aware of these problems. Without the law, people cannot talk about trafficking. It is important that Tunisia has this piece of legislation so change can happen.

Finally, it is important to mention that the country needs to work with civil society. In order to bridge the gap between the legislation and reality, we have to work on changing the mindsets of young people and kids. They have to be aware of human rights. It is important to raise a generation that is aware and believes in the universal principles of human rights. The role of education is very important.

## **29.02.2024 - NGO - T4**

Interviewee 4 works for an NGO in Tunis. They are in charge of a project supporting LGBTQIA+ migrants, asylum seekers, and refugees.

This project started in 2019. The NGO has conducted awareness campaigns on racism and provided support to LGBTQIA+ migrants. The awareness campaigns also targeted Black migrants so they understand the Tunisian context. The support provided is varied from legal to mental to cash assistance.

The NGO also organized capacity building training in sex health and gender identity for the migrant community. The migrant community is also actively reached out as they are not well integrated in Tunisia and live in isolation. They were also invited to cultural events, including a play on queer rights in Tunisia, so they could network with the queer community and be in touch with them and what's going on in the country.

During COVID-19, the NGO provided assistance, food vouchers, and basic needs. Following the president's racist speech in February 2023, more assistance needed to be provided as Black migrants and Black Tunisians faced more violence and more isolation. The government destroyed what the NGO was trying to patch up. Many migrants ended up in jail and detention centers, even those who had asylum seeker and refugee documents.

The interviewee had testimonies from Black migrants who had their asylum seeker cards torn up by police officers and ended up going to prison for 3-4 months then getting released. Police officers in Tunisia practice racial profiling and target Black people.

Victims of violence do not want to sue because they are afraid of the violence they would get if they sued or complained. Because they would be suing the police to the police, they do not see the point in doing this. They suffer from daily physical and verbal violence, especially in popular neighborhoods. They also have no opportunity to get rent. The interviewee does not understand the vision of the government or where the country is going with this behavior.

Recently, most Black migrants have been crossing through Algeria and fewer from Libya. Some come with the aim of leaving for Europe. Some come running away from conflict and violence to stay in Tunisia. Some decide to stay, even though their intention was to go to Europe previously, because they saw the boats drown, their friends die, and they are afraid they might not make it.

Some of them are waiting for resettlement from the UNHCR. About 1% of them get access to resettlement. These are usually the most vulnerable, like disabled, LGBTQIA+, HIV carriers, minors, etc. The waiting time for resettlement is usually between 2 to 3 years after already spending time waiting for refugee and asylum statuses.

Tunisia does not protect refugees. Refugees receive 250 dinars a month (about 80 euros), which is rare for them to receive. With this money, they are supposed to rent, eat, pay bills, and do everything they need to do. This leads them to become prostitutes and sex workers either for lack of money or choice.

When you are being forced to become a prostitute by someone else, you can't go to the authorities. Firstly, you are an irregular migrant and this is a crime. Cross-dressing is a crime. Prostitution is a crime. So, when they go to sue, they will face criminal charges themselves. These people are at the bottom of the ladder in society, in the most vulnerable place.

The NGO does have good cooperation and partnerships with INGOS and NGOS. They work with a referral system and have collaborations with the UNHCR, CTR, Médecins du Monde, ATP+, Terre d'Asile, etc. Local NGOs cannot work alone and need help.

The interviewee stated that the NGO is not trained in trafficking, which is why they send victims to other more specialized NGOs. They said that this is something missing and they would like to work on.

However, migrants are exploited for sex through their migration journey, either from other fellow migrants or smugglers. Women also get abused from different people involved. People who are also trafficked for forced domestic work are sometimes exploited sexually by the head of the household, a man (the husband/ father), or a son. One victim who worked as a waitress said that she received racist comments on how she is not special and all Black women offer sex so why can't she simply let her boss have his way with her. She was also threatened with deportation as the boss claimed to be well-connected to the government.

In forced domestic work, Black women live in very poor conditions, usually on a mattress on the floor, in the hall. They work very long hours and do not sleep nor eat enough. They also get groped and molested by the family members they work for. They are always threatened with deportation.

When they do sex work, it is usually to cover their expenses. However, Tunisians who know how vulnerable their situations are take advantage of them. Black women are hypersexualized and are seen as objects. There is also a belief that they can endure pain from twisted fantasies. They also experience rape and sexual violence. In fact, Tunisians blame the prostitution problem on Sub-Saharan Africans and that's why, in Sfax, a conservative city in the South, they called for their deportation.

The people to be held accountable for this are the government and governmental officials who put in no effort to improve the situation of migrants but rather make it worse. NGOs do their best. However, there is currently a draft on a new law, which still has not passed, that will limit their access to foreign funding and there are NGOs right now being investigated for terrorism.

There is a fear now from the side of NGOs. They are trying to be as invisible as possible. They feel like they are back to pre-2011 time, during the dictatorship of former president Ben Ali, when they had to do everything underground. Now, it is the same thing: you have to be active underground, you cannot be challenging, and you can't be visible. They feel like they are going back to repression.

Deportations of migrants, including those with refugee and asylum cards, haven't stopped since July 2023. These deportations happen in daylight, in front of everyone. In the summer, they loaded Black people on buses and took them to the desert and many died. Witnesses also reported that border control guards received money from Libyan militias as Black migrants were being handed to them. Witnesses do not know what happened next in Libya, but everyone knows there is an active slave market in Libya. This is a form of trafficking. It is not clear if the border control guards are trafficking the people or if the government is involved. Tunisia and Libya signed a deal in 2023 to handle the migrants. However, no one knows what this deal says or what it is.

The NGO worker thinks these migrants might be sent to Libya to be trafficked and sold. Tunisians still treat Black people as slaves and think of them as "us versus them". It is only now that we started talking about racial issues and it is late.

### **01.03.2024 - IOM - T5**

The interviewee started by talking on the baseline study conducted by the IOM in Tunisia in 2013. The report was carried out in coordination with a large steering committee which included several Tunisian ministries, authorities, international organizations, INGOs, NGOs, etc. The report showed that it is women and children that are the most vulnerable in the face of trafficking. There are also Tunisian men who are trafficked abroad for forced labor in Europe. In addition, there are Eastern European women (mainly from Ukraine) who are trafficked to Tunisia. Tunisia serves as both a destination and a transit country.

In 2016, the first campaign to raise awareness on human trafficking was started and distributed nationally. Law 2016-61 on combating human trafficking passed in July 2016 and became official in August 2016. The IOM (steering committee) and the Council of Europe was present to verify that the law met the international standards. The articles of Law 2016-61 are very important, especially the punishment and penalties' articles. Punishments and penalties are very heavy in terms of jail time and fines for traffickers, and they are even heavier when children are involved or if the victim(s) is dead or attempts suicide or commits suicide.

The articles also list out the protection and assistance measures provided for the victim. There is a period of reflection and recovery, during which the victim can take the time to heal from what happened to them and decide on what to do next. There is also a voluntary return program for the victim to go home if they choose to do so. If the victim is in danger of being trafficked again or might face retaliation, this is taken into account as well. There are several mechanisms to protect the victims that are mentioned

IOM has continued to work with the Ministry of Justice, among other ministries, since the law has been enacted and even before then. Between August 2016 and February 2017, there were training sessions on capacity building and providing assistance to victims.

In February 2017, the National Authority to Combat Trafficking in Persons was launched. The IOM worked with the National Authority to Combat Trafficking in Person on guidelines books. They have also been developing a guidelines book on guiding victims.

Between 2017 and 2023, there were approximately 5,600 victims of trafficking. The majority of whom were Sub-Saharan Africans and Tunisian children and women. Tunisian children are mostly trafficked for economic purposes (begging) and sex. Tunisian women are mostly trafficked for sex both internally and externally. Approximately 80% of these victims come from Cote d'Ivoire (Ivory Coast).



The profile of the trafficked victim has changed after the baseline study of 2013. Right now, it is mostly Sub-Saharan African women who are recruited for forced domestic labor and Sub-Saharan men who are forced to work in agriculture. Recently, there has also been more sexual exploitation, especially through their migration journey to Tunisia. Profiles, towards the end of 2023 and beginning of 2024, are changing once again. The aim of sub-Saharan Africans usually is to leave for Europe through Tunisia. They usually get to Tunisia through Algeria and Libya.

During COVID-19, criminality networks changed their operations method. Because of COVID-19 restrictions, they trafficked victims for cyber exploitation through making pornography. The IOM noticed an increase in cyber criminality and cyber trafficking during that period.

The IOM works on the reintegration of victims who remain in Tunisia. Each victim gets a different type of support and assistance depending on their case. The IOM works in coordination with the local authorities, the National Authority to Combat Trafficking in Person, and NGOs.

When asked about why judges sometimes try the victims as prostitutes or irregular migrants and traffickers as migrant smugglers, the interviewee said some judges know and others don't know what trafficking is. More effort needs to be put into capacity building of judges. The National Authority to Combat Trafficking in Person needs to put mechanisms in place so that judges know the difference. Even journalists sometimes don't know how to report on trafficking. Sometimes, people don't understand the difference between being smuggled and being trafficked. Even victims themselves can be trafficked after being smuggled and vice-versa. Either way, victims are in vulnerable situations and can be easily trafficked.

It is important to recognize that Tunisia has an advanced law on anti-trafficking with mechanisms for protection, assistance, partnerships, and punishment. There are also international standards and the Palermo Protocol.

Now, people have to know the content of these different instruments. There needs to be more capacity building for NGO workers, especially those outside of the big cities. NGOs, depending on their funding and resources, can provide assistance and protection in coordination with the government. NGOs also have to work on creating partnerships with international actors. More needs to be done to prevent the crime through awareness campaigns. People need to be informed about the crime, the legal context, international conventions and laws, and mechanisms put in place to guide victims and protect them.

### **Annex III: Interview Guide**

1. Introductory Question: Maybe you can tell us about your occupation and experience in the field?
2. Can you please tell us what your title or position is?
3. From your experience how do victims get in touch with traffickers?
4. What are typical routes of a trafficked person?
5. How is the situation for a trafficked person in your country?
6. Are there numbers available on how many victims there are in your country or region?
7. What is your country or your institution doing to prevent trafficking?
8. According to your knowledge, is there a cooperation:
  - a. Nationally (between NGOs and government)
  - b. Regionally (within the EU; between the EU and NGOs)
  - c. Internationally (UN, Maghreb, EU, INGOs, NGO)(Ask about specific/concrete initiatives or strategies)
9. What do you think, in your profession, is an efficient way to combat trafficking?  
What needs to be done?
10. What is missing?